

Searches

If you purchase a property with the assistance of mortgage finance then you will find that all mortgage lenders dictate that certain searches on the property must be undertaken as a bare minimum by your conveyancer. There are other 'optional' searches, some of which may prove necessary due to the location of the property, or which you may choose to instruct your conveyancer to undertake. The Local and Drainage Searches, along with the Environmental Search and Chancel Check Search are those which most mortgage lenders will insist are made, and we will generally recommend that these searches are utilised on a purchase, even where no mortgage lender is involved

Local search

The Local Search is a search of the local land charges register and raises certain enquiries with the Local Authority governing the area in which the property is located. Standard matters such as whether the roads and pavement abutting the property are adopted as a public highway, or whether there are records of planning consents or building regulations consents for works undertaken to the property will be revealed in the search.

The Local Search does not deal with all enquiries as standard and additional enquiries can be raised at an extra cost, such as whether the property is subject to any public rights of way or footpaths. If you would like to discuss the further options available, please contact us before paying over the sum on account of search fees.

The Local Search is purely personal to the property that is searched against and will not provide details relating to adjoining property and land, such as proposed developments.

Water and drainage search

This is an application to the Water Authority overseeing the area of your chosen property.

The Drainage Search will show the location of the nearest mains sewers and water pipes, also confirming whether the property is connected and other useful details including whether the property is on a water meter and the current charges applied to the property.

Please note that the Drainage Search will not, however, confirm the actual mains systems which the property runs into, or the routes or locations of any private drainage connections serving the property.

Environmental search

Environmental issues have become increasingly relevant as something to consider when purchasing property, with the amount of development that has occurred in this country over a prolonged period of time.

The Local Authorities do maintain their own registers recording details of land contaminated by past industrial use but, the register is only updated once the contamination has been located and is already an issue.

When looking at a property you will only see the house or building and its gardens, and there is nothing to reveal what the land had been previously used for, going back any number of years. The fact that the land may have been an industrial site, for instance over 50-100 years ago may not show on visual inspection, or even be recorded in the legal title but, any potential contamination of the site by that previous use, may still be in existence today.

The Environment Agency and Local Authorities will govern the monitoring and 'clean up' of contaminated properties and sites, which can potentially cost any homeowner thousands of pounds, if their property becomes the subject of enforcement action by the Local Authority for remediation works due to contamination being discovered.

The Environmental Search will reveal answers to standard environmental enquiries within a specified search radius of the chosen property, as well as details of past and current industrial use.

The Search will also contain general comments on mining, Radon Gas and ground stability for the location, also providing basic data on flooding records.

More and more examples of situations where properties are affected by potentially contaminated sites are coming to light. In North Holmwood in Surrey, residents are concerned that the marketability of their properties has been blighted, due to it being identified as an area of land which was subject to industrial use, including the quarrying of clay and sand, and the site of an associated factory until 1963.

Another example in Littleport, Cambridgeshire affected over 20 houses built adjacent to the site of an old gasworks in 1991, with it emerging in 2003 that the land beneath the properties was contaminated. The owners were faced with advice not to eat home grown produce or let their children play in the garden as the soil contained potentially dangerous levels of mercury and other cancer causing chemicals. Due to the contamination issues they are now experiencing difficulties in selling their properties. The owners also face clean-up operation costs as the original developer is no longer in business.

Chancel check/search

Chancel Repair Liability arises from a law created during Medieval times, whereby a Church at parish level can claim contributions from land owners to repair the chancel of the local church. It should be noted that the liability affects land and not the buildings upon the land, so properties old and new can be subject to such liability.

It is estimated that the liability impacts upon over 5,200 parishes in England and Wales, with possibly over 3 million acres of land affected. An example of the potential level of liability arising was a recent case, which was contested by the couple from whom the funding was sought, resulting in them facing a final bill of approximately £210,000, and a possible further £250,000 in legal costs for contesting the matter.

Previously, the position was that a deadline of 12 October 2013 had been imposed for chancel repair liability to be registered against the title of a property, with chancel repair liability thought to be unenforceable if it had not been registered by this date.

However, the Government has not upheld this deadline so chancel repair liability, continues to remain a possible risk for property owners in affected areas. The basic chancel check will identify whether the property falls within a parish where the risk of chancel repair liability may arise, and if the result identified this, then suitable indemnity insurance cover may be required.

The more detailed chancel search will check the registers and will give an indication as to whether chancel repair liability has been registered, and if this is the case, then the matter would have to be passed back to the current owners of the property to resolve. Even if the search comes back as a clear result, this only remains current for the time that the register was searched, and it would be prudent to ensure that suitable indemnity insurance cover is taken out to cover any future risk arising.

Other searches

As mentioned above depending on where the property you are purchasing is located there are several other searches which may be required and these may include:

- ⊕ tin mining
- ⊕ coal mining
- ⊕ mundip
- ⊕ ball clay
- ⊕ china clay

These searches are very much postcode orientated and we will advise you as soon as possible if any of these are required

Additional searches also available

Plan search and plan search plus

The Local Search, as mentioned above, will only reveal details about the actual property you are buying, and will not detail any proposals for development of adjoining property or land.

A separate search, known as Plansearch is available which will search within a radius of 200 metres of your chosen property, providing details of planning applications and decisions (although applications for road and rail development are not shown) for properties and land within that radius.

Plansearch Plus provides basically the same information as Plansearch but, at an additional cost, also provides further information as regards telecoms masts, local footpaths and general information on the neighbourhood such as schools, crime rates, insurance claims, housing types and average prices.



01392 258451 www.crosse.co.uk

14 Southernhay West, Exeter EX1 1PL | f: 01392 278938 | DX 8313 EXETER | e: mail@crosse.co.uk



Authorised and Regulated by the Solicitors Regulation Authority no: 568172

This information is for general use only and is not case specific. You are recommended to seek legal advice regarding your particular case.