

Peace of mind

A guide to property searches for home buyers



So, you've found the house of your dreams.

On first viewing, it appears to be just what you're looking for. But before you make possibly one of the largest financial decisions of your life, you probably want to find out everything you can about the condition of the property and what's under and around it.

Your survey tells you what condition the property is in and whether it is good for a mortgage. Property searches aim to provide you with peace of mind on everything else.

Does your kitchen flood every time it rains? Is the large oak tree in the garden protected? Has planning permission been granted for any nearby developments that might obscure your view or cause traffic inconvenience? Has there been a history of mining in the area that could give rise to sinkholes in the future? Or does the water company have water mains running through your garden that might stop you building an extension?

These are the sort of 'hidden secrets' that a property search will uncover.

What is a search?

The purpose of a search is to ensure that you - the home buyer - have all the facts about a property before you buy it. It's your 'peace of mind' guarantee.

A *Local Authority Search* and a *Drainage and Water Search* are more or less obligatory. Your mortgage provider is unlikely to lend you the money if you don't buy these. But there are various other searches which you may or may not choose to get.

And, even if you don't have a mortgage, it's sensible to be aware of all the issues.

Of course, it's understandable that you want to keep additional costs down when you are buying a property. So this guide is designed to help you understand what searches are and their importance to you.

You'll find further information on page 13, as well as a list of organisations who can help you, should you need more information.

Questions to ask your solicitor or conveyancer.

Property searches are usually 'purchased' on your behalf by your solicitor. They can also advise you which searches are obligatory, which ones are advisable, and which ones don't apply to you.

So, once you've read through the contents of this booklet, here are the questions you should ask your solicitor:

- Which searches must I buy as a condition of my mortgage?
- What additional searches do you recommend considering?
- How much does each search cost and how long will it take?

Remember, the results of an initial search may sometimes require further investigation or even another specialist property search to fully clarify the situation.

Types of property search.

There are many types of property searches. But we're going to focus on those you're most likely to require.

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The good news.

Your solicitor can advise you which searches are necessary in your specific case, and can describe any risks if you decide not to buy a particular search. The searches you do buy will alert you to any issues, and this will enable you to decide whether to go ahead and buy the property.

And, just because a search finds something, it doesn't mean you can't buy the property. But it's important you have all the facts, so that you pay the right price for your property, and meet the conditions of your mortgage.

Key property searches to consider.



1. Local authority search

Why a local authority search is important.

Your mortgage lender will always require you to carry out a local authority search, consisting of two parts: LLC1 (Local Land Charge* Register) and CON29. These contain vital information to protect you from issues that may not be apparent or visible when you view the property.

If the property is in a conservation area, it is listed, or it has protected trees, you may be restricted in the changes you're allowed to make to your new property.

Or, if the property you're buying has been extended without the correct planning or building consents, you might have to pay for rebuilding work.

The local authority search will also tell you if the owner or the council is responsible for the maintenance of the roads around the property.

The LLC report will alert you if the property is:

- a listed building
- located in a conservation area
- subject to a tree protection order
- subject to an improvement or renovation grant
- situated in a smoke control zone
- subject to a Community Infrastructure Levy or Section 106 Agreement
- subject to an enforcement notice

The **CON29 report** provides information on:

- whether the adjacent roads and footpaths are maintained by the local authority
- any pending private road proposals
- public paths or byways that may affect the property
- major and minor road schemes planned within 200 metres of the property
- building regulation approvals and notices issued under the competent person self-certification scheme
- hedgerow notices, common land, town/village green or other parks and countryside acts affecting the property
- pending enforcement orders for violation of planning
- dangerous structures or contraventions of building regulations
- whether the property is on contaminated land
- noise abatement orders in relation to the property

* Local land charges are, generally, financial charges or restrictions on the use of land which are imposed by the government or other public authorities. Because these directly affect the owner of the land there is a legal obligation to register land charges, so that buyers are aware of them.

Local authority searches are usually returned within six weeks. This can vary for different local authorities.



2. Drainage and water search

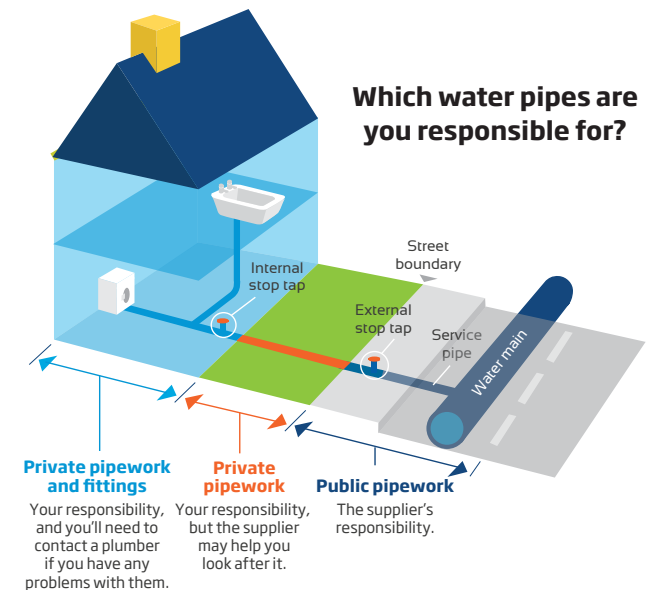
Why a drainage and water search is important.

If your property purchase is funded by a mortgage it is recommended that your solicitor obtains a Law Society approved drainage and water enquiry report (also known as a CON29DW).

Official drainage and water enquiries are produced by water company organisations. These offer a clear trail of responsibility and reassurance from the water company organisation in the event of any matters arising in the future.

There are many drainage and water issues that can affect a property. These will not necessarily be apparent when you view a property, but they can have far-reaching consequences.

If the property isn't connected to the mains water, it may have a private supply. And, if it's not connected to the public sewer network it may have its own private sewage treatment such as a cesspit or septic tank. That would mean that you, as the homeowner, would be liable for any maintenance, operation and costs for these private systems.



Building over or near a public sewer or public water main

In some cases, sewers owned by the water company may run through your property boundary. If you plan to build an extension near to or over a public sewer, you will need to obtain permission from the water company. This permission is often referred to as a build over agreement or consent.

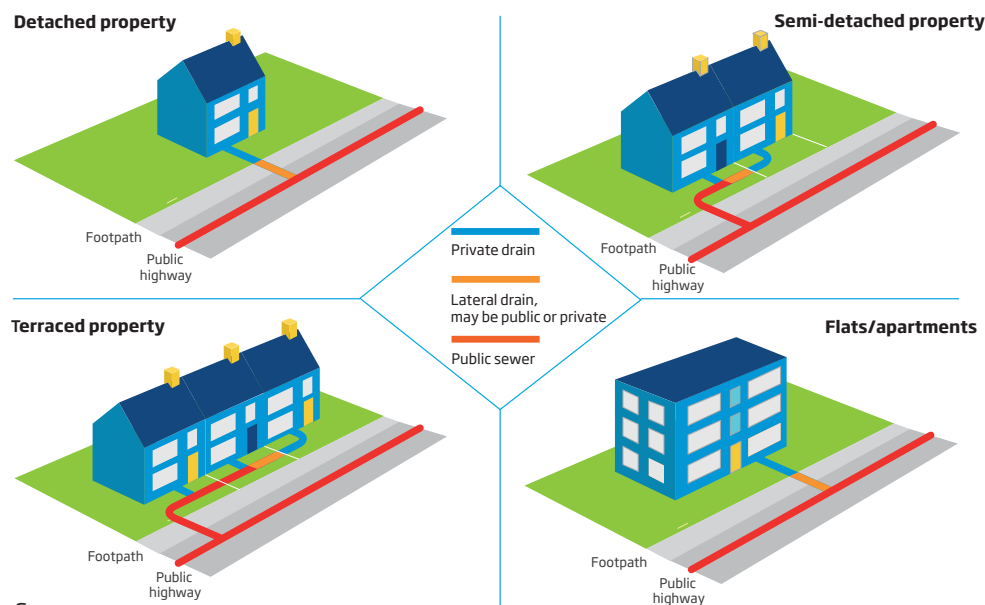
Although far less commonly seen within property boundaries it is important to note that you will not be allowed to build over a public water main or a pressurised sewer.

An official drainage and water search (CON29DW) looks at information held by your local water company and will tell you:

- the location of any public water mains and sewer pipes around your property (even though these may not necessarily be connected to the property you are buying)
- if your property is connected to the mains water and sewerage and whether you are on a meter
- if there are any assets owned by the water and sewerage company within the boundary and within 100 feet of your property
- if any permissions to build-over any public sewers has been given
- if the sewers serving your property have been adopted by the water company
- if your property has a history of internal flooding from the public sewer
- whether your property is on the water company's low water-pressure register
- the location of your water meter
- the hardness of the water serving your property
- the proximity of the nearest public sewage treatment works
- contact details for your sewage and water billing company

Drainage and water searches are usually returned within two working days.

Which sewer pipes are you responsible for?



3. Mining search

Why mining searches are important.

When most people think of mining they think about coal. However, the UK has a long history of mining not just coal but also tin, limestone, Bath stone, brine, gypsum, chalk, clay, stone, iron and other metals.

Mining searches are important because historic or current mining activity could present ground risks, which could affect the integrity or value of your property.

An official coal mining search (also known as a CON29M) is usually only required in areas likely to be affected by coal mining activity. This report includes information on:

- past, present and future underground coal mining
- coal mining subsidence
- mine shafts and adits (entrances)
- mine gas emissions

Other mining searches include detail on:

- all other mining activities
- natural ground perils including slope stability, running sands, sinkholes and erosion
- future activities such as fracking

Some geographic areas have more activity and higher risks than others, you should discuss with your solicitor which of these searches you need.

If and when the property you're looking at is given the all-clear, if you require it, you should be able to buy a certificate to prove this for your buildings insurance company.

Mining searches are usually returned within 24 hours.



Environmental searches

A number of different environmental reports are available covering areas such as contaminated land, flooding and ground stability. You can have these individually, or combined into a single report. Your solicitor can advise you which ones you need.



4. Flood

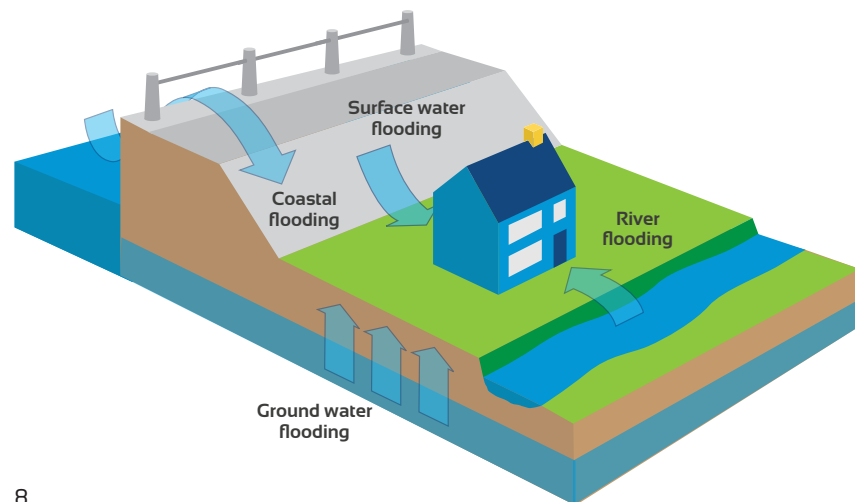
Why a flood search is important.

Flooding can have a devastating impact on property. Not only does flooding cause damage to property and possessions, it can also have a major impact on your insurance premium. In the worst cases you may find that you are unable to insure the property at all.

You must ensure that your flood search reveals any information about flood risk insurability. If you cannot get buildings and contents insurance for the property, your mortgage company is unlikely to give you a loan.

A flood search includes:

- risk of coastal and river flooding
- risk of surface water flooding
- risk of groundwater flooding
- historical flood events near the property
- any flood defences near the property



Paul Glazzard
www.geograph.org.uk/photo/481263



5. Contaminated land

Why a contaminated land search is important.

Many properties are built on or near land previously used for industrial purposes. If the land is found to be contaminated and the person who caused the contamination cannot be found, then the local authority can ask the current landowner to pay the cost of removing any contamination. This is very likely to be disruptive and expensive.

A contaminated land search includes guidance on:

- whether the property or surrounding area has been designated as 'contaminated land' by the local authority
- active and historical landfill sites near the property
- potentially contaminative activities near the property
- known contamination incidents near the property



6. Ground stability

Why a ground stability search is important.

A ground stability search advises on whether a property is at risk from subsidence due to man-made causes such as mining, or from natural hazards.

If you or your solicitor believe there is a risk to the property from subsidence or there is evidence of subsidence at the property, a ground stability report would be strongly recommended. It may also be a requirement of your lender.

A ground stability search includes:

- historic and current ground workings and infilled land
- mining and mineral abstraction data
- natural ground subsidence, impact of landfill and local geology



7. Planning

Why a planning search is important.

A local authority search only shows planning applications relating to the specific property being searched. A planning search shows the planning applications in the vicinity of the property, some of which could affect your enjoyment of the property in the future.

A planning search is also useful when you don't know the area you are moving into.

A planning search includes information about:

- planning applications
- mobile phone masts
- rights of way
- housing and neighbourhood information - including council tax bands
- average property prices for the selected postcode
- school information, which can include size, age range and academic results
- local amenities, including shops, restaurants and healthcare facilities



Image: Jon Candy@www.flickr.com/photos/37195744@N03/4548107821



8. Energy and infrastructure

Why an energy and infrastructure search is important.

This search provides details of major projects, even if they are only at the planning stage.

The information may not be a 'deal-breaker' for you but these types of projects can affect the value of the property.

An energy and infrastructure search includes, for example:

- existing or proposed energy exploration
- existing or proposed wind turbines and solar farms
- existing or proposed power stations
- HS2 rail network and Crossrail



Environmental searches are usually returned within 24 hours.



9. Chancel search

Why a chancel search is important.

In a little-known law dating back to the 16th century, owners of some properties are obliged to contribute to the cost of repairs to the chancel (the space around the altar) of the parish church. If they are, then this obligation must be registered with the Land Registry and will be identified by a Chancel search.

A chancel search will:

- establish whether the property is within a parish that still has the right to charge for the cost of repairs to the church chancel
- either issue a report stating there is a potential liability, or issue a certificate confirming that there is no risk



There may be particular circumstances where it is not required, your solicitor will advise if necessary to undertake a Chancel search.

Chancel searches are usually returned within 24 hours.

10. Other types of search

Other than the nine key search reports described above, there are a number of others your solicitor may advise you about, or you may decide you need.

These include:

Utilities searches. These highlight any gas and oil pipelines, electricity cables and other services.

Underground searches. These supply information on the distance between your property and the London Underground network, the depth of tunnels and operational times.

An HS2 and Crossrail search provides details on these particular projects and any property compensation eligibility.

A radon gas search explains the risk of exposure to radon for the property.

High speed railway route

HS2 is currently under construction, but when completed will directly connect London to other cities with trains traveling up to 250mph.

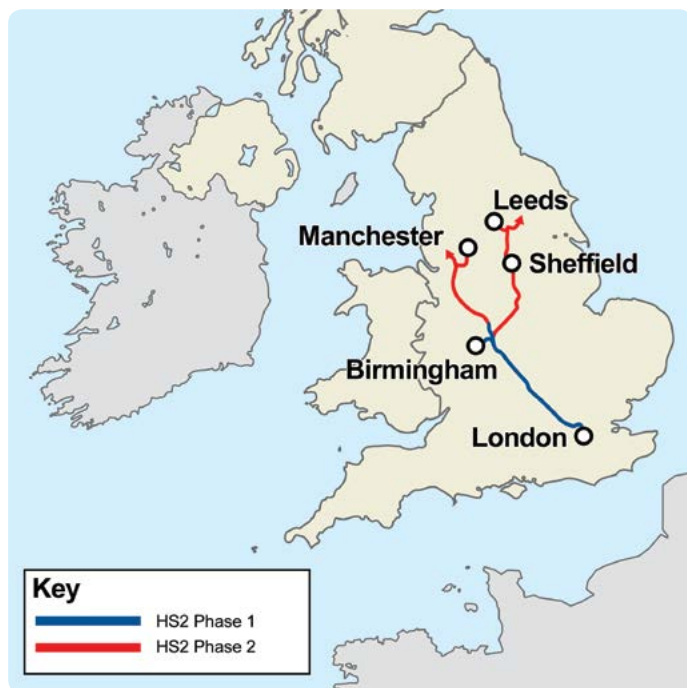


Image: commons.wikimedia.org

Further information.

What's the difference between a 'search' and a 'survey'?

A 'survey' is an inspection of a property - usually by a chartered surveyor - which reports on the physical condition of the building. It will highlight any issues such as structural problems and if any major repairs are likely to be required. It's important to get a survey as this will help you to assess the correct value of the property and ensure there are no surprises after you move in.

'Searches', such as those described in this guide, are obtained by your solicitor and these are designed to highlight other external risks that might affect your property.

Where to go for further information.

If concerned about flooding, contamination or other environmental issues:

Environment Agency:

www.gov.uk/government/organisations/environment-agency

Flood Re:


www.floodre.co.uk



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