

Commercial Property Searches

Properties are subject to certain restrictions, financial charges and other matters that may not be immediately apparent but may affect your decision as to whether or not to buy or lease a property. The following standard searches will usually reveal these matters:

Local authority search

You must consider if you would want to buy or let a property if the search reveals the following:

Planning

- You are not permitted to use the property for the purposes you require or there are restrictions on the permitted use that would impact on the operation of your business.
- Work and/or payments necessary under an existing planning permission are still outstanding. You will be liable to deal with these once you acquire the property
- The property is in breach of planning law and/or building regulations. The obligation and cost of this would fall to you.

Charges

The property is liable for payments to the local authority for: making up roads to a certain standard; work relating to drainage and sewerage; the repair or demolition of dangerous buildings.

Conservation areas, listed buildings and tree preservation orders

Your use of the property will be hindered or prevented if any of these affect the property.

No access from a public highway

There may be no right of access onto the property if it does not adjoin a public highway. If the title deeds do not grant rights over neighbouring land to enable access the property could be inaccessible and therefore unusable.

Proposals for road schemes

This may involve the compulsory purchase of all or part of the property to enable a new road scheme or the new road scheme may render the property less accessible/visible and this may impact on your business.

Environmental notices

Complying with an environmental notice usually involves carrying out work to get rid of pollution at the property. This can be expensive and you may be liable as owner/tenant even if you did not cause the pollution.

Compulsory purchase order

You would be forced to sell even if you are just establishing a new business.

Drainage and water enquiries

If the property does not have mains water and drainage it may impact on how you operate your business from the property or re-develop it.

Environmental search

In view of the potential liabilities for pollution on the property (see above), it is essential to identify any current or possible future contamination. Also your proposed use of the property may not be possible if it is polluted and cannot be cleaned up to a satisfactory standard. This search will also reveal other environmental issues such as risk of contamination or flooding. If risks are identified you may be able to re-negotiate the price, take out relevant insurance or insist the seller/landlord carries out any necessary remediation/prevention work.

Chancel repairs

Some churches have the right to claim the cost of maintaining it from certain properties. There have been cases where the owner of a property has had to pay hundreds of thousands of pounds because of this. If a church has a right such as this they must register it before a change of ownership of the property is registered at the Land Registry otherwise the right will be lost.

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A search will usually, but not always confirm if the property is in an area where there is the potential for liability. Insurance is usually available to guard against this type of liability.

We would also recommend certain other searches if the property lies within a particular area:

Coal mining search

There may be subsidence on the property due to coal mining and this may hinder or render impossible any use or development of the property. This search will show if the property is in an area where it could be at risk of this damage due to past mining activities or where future mining could take place.

Limestone search

Subsidence may also occur in areas of Telford and Wrekin where limestone has been mined; this search will show if the property is at risk of this of this damage due to past limestone mining.

Commons registration search

Your proposed use of the property may be difficult or not possible if this search reveals rights over the property, which could be rights of way, rights of recreation and/or grazing rights.

Railways

The use of properties close to a railway can be severely restricted so it is important to ascertain the nature of those restrictions.

Waterways

Properties within the area of a canal can be liable for the cost of it flooding and its maintenance but may also be subject to rights of way, drainage and fishing rights and water abstraction licences.

Index map search

If the property is not registered at the Land Registry or if the plan being used in the transaction appears to differ from the Land Registry plan, an index map search will show if anyone is claiming any rights to the land that may impact on your use of the property.

Flood searches

Flooding is more and more common so it is important to establish the risk of flooding and whether or not insurance including damage by flooding will be available for the property.

You should always seek advice on your individual circumstances; this leaflet is for information only, and does not constitute advice.

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