

Home of the week  
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# Country houses

If you can afford to buy a large property, you need a solicitor who has the knowledge and expertise to deal with such a transaction. **Philippa Rudd**, from Cozens-Hardy tells us more.

**W**e are lucky in Norfolk to have many magnificent country homes. Not many of us are lucky enough to have the opportunity to buy one. Should you be in that fortunate position, you will need to find a solicitor with expertise in these types of properties. Here at Cozens-Hardy we are privileged to frequently act for purchasers of such properties.

Many of these homes have been in the same family for generations, therefore the title deeds may not be registered at the land registry (land registration has only been compulsory since 1997). This is not a problem, but following completion of a purchase we will have to make an application for first registration, which may take a few

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weeks - or months - and it may mean that the Land Registry will send out their surveyor to check the boundaries of the land. With an unregistered title, we have to check the ownership back at least 15 years. We look at the old conveyances, we check the plans with the client and estate agent and we look at any rights and encumbrances such as restrictive covenants. Whether or not the title is registered, we will always ensure that the property has the benefit of all necessary rights of access.

If a client wishes to sell a property where the title is not yet registered, we will suggest that we make an application for voluntary first registration at the land registry. This may take some time, and there is a fairly modest fee, but it will make the title more acceptable - particularly if the eventual buyer is using solicitors in London who are not familiar with unregistered land.

Once a client has agreed to buy a country home, we supply an estimate of our fees and discuss the different searches available. We will also discuss the question of stamp duty. If this is a second property for the purchaser, the new, higher rate of stamp duty will be payable. If there is any business use at the property or equestrian use, it may be possible to claim that the lower, commercial rate of stamp duty will apply, but this is unlikely to be the case unless the authorised use and planning permissions support this.

On the subject of searches, we will

apply for a local search. We would raise additional enquiries involving hedgerows and public footpaths. The search result will reveal whether or not the property is Listed, together with the planning history and information about building regulations. We have to check that all necessary consents have been obtained, that the Listing has not been breached and building regulation completion certificates have been issued for all works. Sometimes indemnity insurance is a solution if there has been a breach. However, breach of the Listing is a serious issue and the purchaser will take on any liability in this regard; this could

involve expensive reinstatement, if so required by the Conservation Officer.

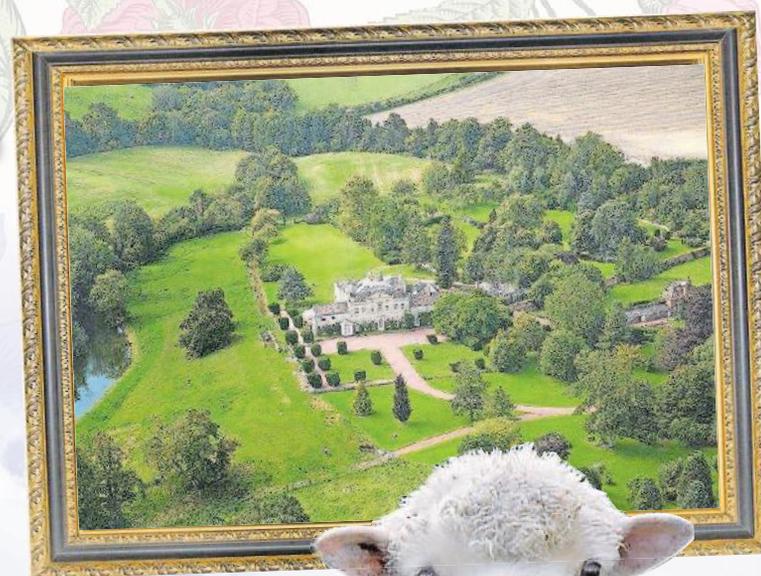
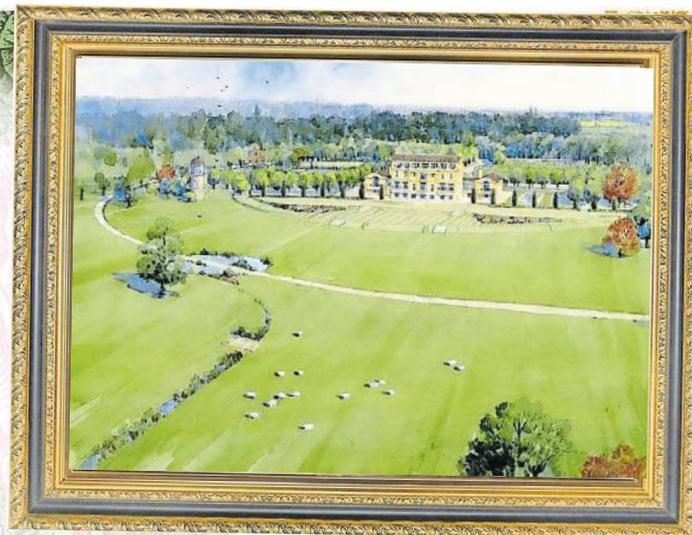
We will also apply for a water search. This will reveal whether or not the property is connected to mains water and the public sewer. If there is a private drainage system, we will need to ask the surveyor to check that this complies with the current Environment Agency regulations. If the property is not connected to mains water, we will check the location of the supply or bore hole and we will ask to see the last water quality test results.

When the survey report is available, we discuss the results with the purchaser. The survey may reveal



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additional points for us to check, such as the existence of any guarantees for damp or timber works or electrical improvements.

We will check the replies to enquiries supplied by the vendor's solicitors. In particular we will check for any disclosures of development in the area (wind turbines and solar farms being current concerns for purchasers) and we look at possible flooding and other environmental matters.

If there are any sheep or other livestock on any of the land, we check any grazing agreement or similar. We ensure that the purchaser will obtain vacant possession on completion, although arrangements can be made for any beneficial lettings to continue.

There is no longer any need for a 'chancel search' as a purchaser would not be bound by any such liability,

providing there is none revealed in the title deeds.

Once we have checked the title, survey report, search results and replies to enquiries, and the finance is in place, it will be time to proceed to exchange of contracts when we ask the purchaser to put us in funds for the 10% deposit. At this time we will agree the completion (moving) date with the vendor's solicitors. Ideally the purchaser should re-inspect before exchange and completion, if circumstances permit. After exchange, and once buildings insurance is in place, it is time to celebrate and look forward to becoming the owner of a fine country home.

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