



# Thinking about building a new property, converting a barn or extending your home?



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Few people think about contacting their Solicitor before starting to build a new home, extending their home, converting a barn or converting a house into flats. This means that a number of developers, builders etc. call fall into traps which could easily be avoided if legal advice had been taken early on. These traps include:-

## 1. Covenants

The property may be subject to certain covenants or restrictions on its use or development. If there is a covenant preventing development, building or alterations to a property, you may not be able to carry out the necessary works without the consent of a nearby landowner or the removal of the covenant. By breaching the covenant, the landowner who has the benefit of the covenant could, if he finds out early enough, prevent you from completing the work by applying to the Court for an injunction or sue you for compensation or rectification once the work has been finished. Either way, you could find yourself considerably out of pocket.

## 2. Rights

Some easement or rights can be restricted to specific uses and these should be checked before the development starts to ensue that you have appropriate rights of access, or to run services etc. for the use or development you propose.

## 3. Planning Permission

Many types of development require planning permission. If you fail to obtain planning permission, enforcement action could be taken by the Council against you which could not only hold up the work if it is not completed also prevent it from going ahead or, if it is complete, potentially require you to put everything back how it was before. Once again this could be very expensive.

The Local Planning Authority may also impose a number of conditions on a planning permission which you may not want or refuse planning permission, if you do not agree to

carry out certain works. Planning Lawyers can not only advise you on the best way to obtain permission, but also advise you how best to limit the restrictions and conditions imposed by the planning authority.

## 4. Building Regulations

All new houses and conversions require building regulation approval as do many extensions and alterations to property. You should ensure that your builder complies with all building regulations and other safety requirements. Builders often forget to obtain Completion Certificates, even if they have done the work properly and you must ensure that when the work is finished the Council inspect and provide the appropriate Certificate.

## 5. NHBC Certificates and Architects Certificates

For all new build properties, conversions of barns or conversions of houses into flats, an Architect's Certificate, NHBC cover or other such insurance is required by most Mortgage Lenders and most buyers. The Architect's certificate or NHBC cover is a type of guarantee in respect of the structure of the construction. If an Architect's Certificate or NHBC cover is not obtained, the property can be difficult to sell, and a buyer may insist that you obtain an insurance policy which might be expensive, particularly for the first six years after construction or conversion.

*"This article aims to supply general information, but it is not intended to constitute advice. Every effort is made to ensure that the law referred to is correct at the date of publication and to avoid any statement which may mislead. However no duty of care is assumed to any person and no liability is accepted for any omission or inaccuracy. Always seek our specific advice."*

**If you require advice on this matter please contact our Holt office on 01263 712835. If you require advice on any other legal matter please contact us by telephone or by email [law@hayes-storr.com](mailto:law@hayes-storr.com)**