

VILLAGE &
COUNTRY

**YOUR GUIDE TO
BUYING AND SELLING
IN THE COUNTRY**





DAVID FOLEY

*(Managing Director –
Village & Country)*

Thank you for taking the time to read my guide. I genuinely hope this helps you navigate through an area which can be fraught with problems.

My name is David and I have made many errors in my 28 years of buying and selling in the country. So, I decided to document some of my experiences and pass on the knowledge I have gained to help you avoid making errors and to make your move as stress free as possible. During my time living and working here, legislation and factors to consider have changed drastically and I have lived and breathed all of them in my role as an owner of an estate agency.

My aim is to answer the questions that other people aren't, but more importantly make sure you know which questions to ask. If you are not sure on all the different laws and bylaws, this will document the areas to consider, but also provide advice on ways to avoid commonly made mistakes.

Don't be afraid to ask for advice; I have spent the last 20 years asking professionals for help, many of whom now help me day to day in my current business.

I sincerely hope this helps.



DAVID KAIN
(Property Lawyer)

BUYING A PROPERTY IN THE COUNTRY?

David Kain has been a property lawyer with Rice-Jones & Smiths Solicitors for over 20 years and shares a little of his knowledge of country properties.

In recent years since the onset of Covid and the dreaded lockdowns, there has been a stronger than ever interest in buying in the country. However, properties in the country often have issues that need to be considered, which would be unlikely to affect a property in a town or city.

So, let's picture this. You have found your dream home, a beautiful 500-year-old cottage that is wonderfully preserved, down a winding drive, no neighbours in sight and with fantastic views of the rolling countryside. Sounds ideal, but let's now look at some of the potential risks.

The beautiful 500-year-old cottage may well be listed building. This means you are restricted as to what alterations you can make to the property. Any alterations you wish to make, sometimes even minor ones, like putting up an aerial or satellite dish, will require Listed Buildings Consent. Listed Building Consent will be in addition to the usual Planning Consent and Building Regulation Consent. You will need to find out what alterations have been made by previous owners and satisfy yourselves these alterations had consent. You should also bear in mind the maintenance of listed buildings are typically higher as you will need to replace things like for like, rather than using modern materials.

Moving onto the drive. It is quite likely the drive is not adopted which means there is no public right of way over it. You need to ascertain the property has rights of access over the drive and that no other party can stop you from accessing the property. There are known cases of properties that have become land locked. Also, who will pay to maintain it? Whilst considering rights of way, you will need to know if anybody has rights of way over your land, whether these are private or public rights. Land can be subject to sporting rights and possibly even be registered as a Village Green.

Many properties in the countryside are not connected to mains drainage as they would be in town. The property will instead drain to a cesspit or septic tank. You will need to understand the method of drainage which has been used and make sure that you have full rights to use it. Drainage systems are often located on someone else's land and can be shared by several properties. You need to ensure you have rights to use it and if necessary, consent from the Environment Agency.

It is highly likely there will not be mains gas available, and the property will instead be heated by electricity, oil or liquid gas. The property will need rights for water and electricity and the route of these services needs to be considered as they may cross other parties land. Without the appropriate rights, known as easements, you could be prevented from using the services.

Finally let's consider the view. You will need to weigh up the risk of further development in the future, particularly if the views or tranquillity are important factors in choosing the property. Historically there has not been a trend of mass building in rural locations, but with the current housing shortage, developments are being to spread into the country. I am not sure there is any way you can eliminate this risk entirely, but you can mitigate it by taking professional advice.

I think in summary, I would emphasise the importance of choosing an estate agent with solid experience of country properties and ensure the same of your solicitors, surveyor and other professional advisors.



QUESTIONS & ANSWERS

- ? I have never owned a property without mains drainage, what do I need to consider?
 - ✔ Please don't be put off. There are several different systems available and the regulations have changed significantly over time. These systems are generally very effective but do require regular maintenance from professionals. Full details of the system and maintenance records should always be requested.
- ? Are there any rights of way, easements or covenants over the land or property?
 - ✔ This is something you need to check and be aware of at the earliest possible stage. This is information that can easily be obtained by downloading your title deeds and plans or instructing your solicitor to do so.
- ? What is the difference between gas fired heating and an oil-fired or LPG heating system?
 - ✔ Oil or LPG based heating systems are often utilised in rural areas where there are no mains gas. The oil or gas will be stored in a tank in your garden and will be provided and maintained by your contract provider. This isn't really any different to having a contract with a gas supplier.
- ? When I checked the physical boundary against the title plan its different, why is this?
 - ✔ This is something that can cause huge problems and delays. The title plan only shows general boundaries i.e. not precise. There is also a possibility there is an error or it has changed over time. This is something that can be amended easily but it isn't a quick process. You may need to sign a Statutory Declaration to prove the land has been in your title for a certain period of time.
- ? Does my outbuilding or land have any planning potential?
 - ✔ Yes, possibly. Speak to a planning expert first. If approaching a developer, please ensure these are trusted and recommended as they sometimes have an alternative agenda.

- ? My property is in a protected area or an AONB, how restricted am I to extend, further develop or add outbuildings?
- ✔ This is a complicated area and something you should definitely discuss with a planning consultant.
- ? There is an overage obligation, what does this mean?
- ✔ Overages are generally put in place by a previous owner to protect against further enhancement in value. Your legal representative will advise you, but also ensure any mortgage lender is aware as this can affect borrowing. An overage provision can require you to pay a share of the value of the property in certain circumstances.
- ? Who will maintain my boundary and land?
- ✔ In many instances the local farmer will be happy to help and will take payment by form of produce, this is called a contra deal between the two parties.
- ? Am I entitled to any grants or subsidies from the Government because of what's on my land.
- ✔ This may be the case, there are various mainly based around energy saving and usage of agricultural land.
- ? What transport links are available in my local area for access to amenities, schooling and medical needs.
- ✔ This varies dramatically for each village, but most villages do sit on a regular bus route. Please consult with a local expert in your area.
- ? Whilst walking in the country with our pets, is there anything I should consider?
- ✔ A - Yes, look out for dangerous cattle signs and livestock in fields and be aware of any local bylaws, such as the requirement to keep your pet on a lead. Unless there is a public right of way, you have no right to cross fields or open land.



GAVIN ANDREW

(Development Consultant)

Gavin Andrew has worked in Land & Development, Property and Planning for the past 15 years establishing himself as being an expert in his field with fastidious eye for detail and “can do approach”.

The first step you should always take when deciding to develop your land is to establish the value and feasibility of gaining a consent. My experience enables me to accurately advise you on the crucial steps towards unlocking the true potential and value of your land/house.

When contemplating obtaining a residential planning consent for a new dwelling or dwellings, you need professional advice from a development consultant or Land Agent. It would be unwise to rush off and engage an architect or other designer. The advice you need, is to consider not just whether planning consent is viable, but the effect on value on your existing property, as well as the costs associated with gaining consent and building any proposal. Planning can be a

minefield, if you have farmland, paddock, commercial premises or even greenfield sites, in light of new government planning guidelines you may still have potential.

I work closely with, and are frequently appointed by, solicitors, courts, local authorities, to value land.

Beware of speaking to developers, always get independent advice prior to entering a dialogue, so you are armed with information rather than relying on what the developer chooses to tell you. The role of a Development Consultant or Land agent is to establish who will pay the best possible price in the shortest time. In around 40% of cases, when a developer buys a consented piece of land or development opportunity, they will go back to planning to amend the consent. This is generally because they see a way of adding value or a more cost-effective way of developing. This maximises their profits and doesn't necessarily maximise the value you achieve.

A Land Agent will have a database of not just developers on their books, but clients looking for self-build opportunity. Self-build applications don't always have the same constraints that are imposed by the local council's adopted plans.



10 REASONS TO MOVE TO THE COUNTRY

1. Nature and wildlife on your doorstep
2. Healthier lifestyle and less air pollution
3. Lower crime rate
4. Beautiful walks and activities, including fishing, walking and riding
5. Less traffic
6. Smaller school classes, providing a more personal education
7. People and services are more familiar
8. Easier parking facilities
9. Fantastic views, including sunsets and seasonal changes
10. Fresh local produce

MEET THE EXPERTS

DAVID FOLEY

Managing Director

Contact: 01323 345100 / 07535 544475 – Village & Country

ALISON FOLEY – *Office Manager - Village & Country*

ADELE CLARKE-IRONS – *Sales Consultant – Village & Country*

EMMA ANDREW – *Marketing Expert – Village & Country*

GAVIN ANDREW – *Development Consultant – Village & Country*

NEIL PLAISTER – *Mortgage Advisor*

DAVID KAIN – *Property Lawyer*

PETER KENWOOD – *Planning Consultant*

MARIA MAGRO – *Staging, Interior Design*

ADRIAN WATT – *Land Surveyor*

STUART FRANCIS – *Chartered Surveyors*

SAM HAMILL – *Pond and water specialist*

JOHN FOLEY – *Farming consultant*

ED KING – *Arborist and Tree Surgeon*

GUILIO D'ANDREA – *Construction Consultant*

RON GIBSON – *Franchise Expert*

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