

IT'S THE LAW:

Plans for the Land Registry

Plans have come a long way since 'X marked the spot' in Robert Louis Stevenson's *Treasure Island*. In fact, if the pirate treasure map had been Land Registry compliant and appropriately lodged, the book would have been much shorter. It would probably have taken no longer to read than this edition of 'It's the Law'. That's about 4 minutes and 58 seconds.

Plan for a sale

You will often need to prepare plans that will get sent to the Land Registry. For example, when transferring a house on a new development you will need to show the precise position of the boundaries, along with the route of any rights of way and the location of any shared outbuildings, such as bin stores.

Your flexible friend?

The Land Registry used to be remarkably flexible about what plans they'd accept. That made things quick and easy in the short run. But did have a tendency to cause confusion in the long run, with the precise boundaries of what had been transferred being somewhat 'blurred'. Literally in some cases. The Land Registry has become less flexible over the years. Submitting a lease or transfer with a plan which they feel doesn't pass muster can lead to the application to register the transaction being rejected – causing extra work, delay and, potentially, danger to the transaction.

The 15 Commandments (but not quite)

The Land Registry has provided a list of key elements that they like to see in a plan. They won't reject a plan

just because one of the Commandments hasn't been followed as long as, despite that, the land in question can still be clearly identified on their Ordnance Survey base plan. But ticking off each of the Commandments makes it way more likely that they will accept the transaction for registration first time.

- A stated scale: 1:1250 – 1:500 for urban properties
- An orientation marker – such as a north point
- Sufficient surrounding detail, including surrounding features (such as roads, junctions and other landmarks), so that the Land Registry can relate the plan to the Ordnance Survey map
- No qualifying statements such as 'for identification only' or disclaimers under the Property Misdescriptions Act 1991
- The whole of the property must be shown (including garages and any garden). Where appropriate, this can be on a number of different plans
- Buildings should be shown in their actual or – on uncompleted developments – intended positions
- Drives or pathways should be clearly shown –



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particularly if they form part of the boundaries

- Boundaries which are not marked by physical features should be indicated by precise measurements
- Measurements should be metric. Distances shown in metres should be to two decimal places
- The boundary of the property should be identified clearly – usually by coloured edging. It's important that the colouring doesn't obscure other details. Also, remember that a line shown on a plan is around a third of a metre wide on the ground. Plenty of scope for a neighbour dispute
- Plans of flats must show where the flat sits in relation to the external footprint of the building and must show the extent of the property at each different floor level
- For subsoil or airspace (where there is no physical feature) – show the height and depth by reference to the Ordnance Survey Datum. Technically that's the mean sea level at Newlyn in Cornwall between 1915 and 1921!
- Intricate boundaries (e.g. the internal divisions in a building) should be shown on a separate plan at a larger scale such as 1:200
- Care should be taken when printing plans received electronically. Printer defaults are often set to 'fit to page'. So plans may be squashed by the computer – meaning that fixed scales will be lost. For this reason bar scales are better
- Plans which are a photocopy of a photocopy of a photocopy will often be distorted and unacceptable

Top Tips

Make sure anyone producing your plans has a copy of this edition of 'It's the Law' – so that they can see the 15 Commandments.

If your building contract or development agreement provides for someone else to produce conveyancing plans for you – make sure that it specifies that they must be Land Registry compliant.

At the outset of a transaction, solicitors will undertake a series of searches based on the plan. If the plan changes then many of those searches will need to be redone. So, ideally, as much thought as possible should be given at the outset to plans to reduce the risk of last minute changes.

Extra service

The Land Registry has two additional services of particular relevance when developing a new estate.

Estate boundary approval: When a developer first undertakes a measured survey of their land they can ask the Land Registry to compare it against the Registered Title to make sure the two marry up. It's a good way of spotting issues before building starts.

Estate plan approval: Once the development has been fully planned and the layout of individual plots decided, a developer can submit a base conveyancing plan showing all of the plots. This has two principal benefits. Firstly, if the Land Registry don't like it, they'll let you know giving you time to rectify it before sales get underway. Secondly, it means that potential purchasers can deal with their Land Registry searches by quoting the relevant plot number rather than having to provide detailed plans at that stage.

Signing on the dotted line

The seller/landlord must sign the plan attached to a transfer/lease – although the purchaser need not.

However, if the Land Registry rejects the plan and a new plan needs to be substituted, then all parties must sign the replacement – another reason to get it right first time.

Where a plan is being signed on behalf of a company, the person signing must have authority. If it's the same company officers as executed the document, then that authority will be presumed.

The tiny print

This is one of a series of leaflets published by Devonshires Solicitors LLP's Real Estate & Projects Department aimed at our developer clients. No action should be taken on the matters covered by this leaflet without taking specific legal advice.

Find out more

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