



myerson

Myerson **Residential Property**

Our guide to buying and selling land

0161 941 4000 | myerson.co.uk | lawyers@myerson.co.uk

Welcome

Why Myerson?

At Myerson, we are experts in dealing with residential property. Putting our clients and their families at the heart of everything we do means we establish long term relationships across generations and act as trusted advisers.

As a Top 200 UK Law Firm, we are also proud to be ranked in many legal disciplines as '**Top Tier**' in the prestigious international directory **The Legal 500**, providing a truly bespoke and personal service.

Unlike others, our Residential Property Team don't deal in bulk conveyancing and we don't use automated systems or teams of conveyancers, to manage your file. This means that we can provide you with a personal bespoke service, tailored to your specific requirements.

Our service to you is prestige. We have a small, close-knit, team of qualified solicitors who have the knowledge and experience to advise and assist on a wide variety of residential property matters.



Buying and selling land

What do I need to consider when buying land to build a house?

Land designation

First of all, you need to be certain that the land you are buying is capable of development and is not just agricultural land, as if it is agricultural land you cannot build on it.

The local authority in which the land is situated will be able to advise you on this point.

Restrictive covenants

Sometimes, there are what are known as 'restrictive covenants' on the legal title to the land which restrict its use and/or development.

If there are restrictive covenants which would prevent your intended development, it is not always the end of the world as it may be possible to get these released or varied.

Access

Is there an established point of access to the land? If not, you will need to consider how you will access the land. It may be that you need to be granted a right of way over neighbouring land.

Services

Are services such as gas, electricity, water and drainage already present on the land? If not, you will need to consider how you will connect services to the land.

It may be that you need to be granted a right to connect to services on neighbouring land or for your services to pass through neighbouring land.



What do I need to consider when selling land?

Covenants

If you are selling part of your garden for development as a building plot, you will no doubt wish to protect the enjoyment of the land which you retain. For example, you may wish to restrict the use of the land which you are selling off so that it can only be used for the construction of a specified number of properties and specifically cannot be used for trade, business or manufacturer.

You can also make provision so that no future development of the land or properties is possible without your prior approval of plans.

You may also wish to impose obligations on the land that you are selling, for example, to erect and maintain a new boundary or a financial contribution towards a shared access road.

The above restrictions and obligations are dealt with by way of restrictive covenants and positive covenants.

Clawback

Land which is ready for development has a higher value than land which is not.

Sometimes, when land is sold, it is not ready for development but has the potential to be developed. In such cases, it is possible to include a provision in the sale relating to “uplift” or “clawback”, commonly known as overage provisions.

Overage provisions entitle the seller to a share in the increased future value, typically once planning permission is applied for or obtained, within a set period of years after the sale.



You're in safe hands!

If you would like further information about how we can help you with **Buying and Selling Land**, or if you have any questions, please don't hesitate to contact a member of our **Residential Property** team today.

Call: 0161 941 4000

Click: myerson.co.uk

Email: lawyers@myerson.co.uk



Myerson Solicitors
Grosvenor House, 20 Barrington Road,
Altrincham, Cheshire, WA14 1HB
Tel: 0161 941 4000 | lawyers@myerson.co.uk
www.myerson.co.uk



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