



**PLANNING
PERMISSIONS**

**CERTIFICATES OF
COMPLIANCE**

It is, at present, the universal practice for builders and vendors of new houses to furnish evidence of compliance with the conditions of the Planning Permission for the erection thereof. The normal evidence furnished is as follows:

1. Compliance with conditions requiring financial contributions is normally proved by furnishing copy letters from the planning authority confirming compliance.
2. Compliance with most other conditions is proved by furnishing a Certificate from an Architect or Engineer confirming that the Planning Permission (and where appropriate also the Building Bye Laws Approval) relates to the house in question and that the house was completed in at least substantial compliance with the conditions thereof. The Law Society have agreed a form of Certificate with the Royal Institute of Architects and the Solicitors for the main lending institutions. The form of Certificate is published in the Gazette for November 1978.
3. There are certain other types of conditions that may require verification by letters from some Department in the Planning Authority, i.e. where the condition specifies that the Developer, before the commencement of any development, is to resubmit a design for revised layout of a particular area or to agree certain standards with the Engineering Department, etc. In such cases a letter from the appropriate Department or from the Planning Authority is the proper evidence confirming compliance.

The Conveyancing Committee of the Law Society issued a Practice Note recommending that it is unreasonable for Solicitors to insist now on being furnished with such documentation when it wasn't the practice to furnish this at the time. They caused enquiries to be made as to when the practice of getting these Certificates of Compliance became general practice and advised that it became so in 1970. They recommended, accordingly, that it was not reasonable for members to insist on such Certificates on houses built prior to 1970.^{1 and 2}

The Committee has considered these recommendations and confirm that the foregoing sets out what is, in its opinion, the proper and reasonable practice.

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*1. This date was changed to 1st
January 1975. See both
Practice Notes at page 7.14
hereof*

*2. See also Practice Note at
page 7.32 hereof*