



The Conveyancing Committee receives queries as to the need for a Certificate of Compliance with a permission to retain a structure, particularly when there are no conditions in the grant of permission to retain. Practitioners assume that the planning authority inspects the structure being retained before granting permission and that a permission to retain therefore is granted for the structure as it exists.

In fact, planning authorities deal with planning applications, including applications to retain an existing structure, on the basis of drawings and specifications submitted with the application. The planners rarely, if ever, inspect a structure.

In the circumstances, the Committee takes the view that it is reasonable for a solicitor for a purchaser to ask for confirmation by way of a letter of Opinion by a suitably qualified person that the drawings submitted for the retention application correctly show the actual structure for which permission to retain has been applied for.

If there are conditions in the grant of permission to retain, the certifier should go on to deal with these in the usual way.

No Certificate of Compliance should be required where the permission relates only to the retention of a (changed) use.

RETENTION PERMISSION

CERTIFICATE OF COMPLIANCE NEEDED?