



from the local authority where there is in existence a certificate or opinion from a suitably qualified architect or engineer confirming compliance with all conditions attaching to said planning permission/building regulations.

- 7 The committee wishes to draw the attention of practitioners to its longstanding recommendation that it is unreasonable for solicitors to insist now on being furnished with documentation which it was not the practice to furnish at the time of a previous investigation of title.

Note: The foregoing note is produced in substitution for that which was published in the April 1987 Gazette (and which appears at page 7.12 of the Conveyancing Handbook).

COMPLIANCE WITH PLANNING CONDITIONS

(Contd.)

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It has been drawn to the attention of the Conveyancing Committee that in a number of instances, developers, in the course of building houses, have been making variations in reliance on the exempted development regulations. Such variations can involve the addition of extensions or conservatories, conversion of attic space, or revision of internal layout (with or without alterations to or additions of windows).

A planning permission must be implemented in its entirety, or not at all. The implementation of the planning permission entails the construction of the dwelling house in accordance with the plans lodged and on foot of which the planning permission issued.

Where a developer seeks to carry out alterations or to add extensions or conservatories in reliance on the exempted development regulations, he will first need to ensure that the house is fully complete in accordance with the planning permission and plans on foot of which the planning permission issued, and that only then the extension or additional work is carried out.

Solicitors acting for purchasers where such extensions or alterations are carried out after the house has been built, should get an architect's opinion of compliance in the usual form and a further opinion confirming that the extension or works comprise exempted development and are in accordance with the Building Control Act and Regulations.

NEW HOUSES AND EXEMPTED DEVELOPMENT

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