

Two Sides to Every Story

Planning data to protect you and your clients

A law firm has been ordered to pay £1.8m in damages

During a recent court case, a law firm was found to have failed to explain the results of a planning search report to its client. The client later discovered an application for a new school had been given the go ahead close to the £25million London property they were purchasing, which led them to pull out of the purchase.



Images: SWNS

When reading cases such as these, you may be concerned that you need to become a planning expert in order to explain the findings of search reports to your clients. Or, you may simply consider detouring around the issue by not offering clients the opportunity to access such reports in the first place, and therefore avoid the subject altogether...

This however is simply not advisable: another case has been reported whereby a solicitor had to pay compensation after **not providing a report** that would have highlighted a nearby wind farm development:

“An out-of-court compensation settlement was paid to a couple in Cumbria after it was reported that they were not informed by their solicitor that a wind farm development was to be constructed approximately one kilometre away from the home they were purchasing. By law, conveyancing solicitors are expected to act in a reasonably competent manner, and in this case it has been asserted that the solicitors’ firm had been negligent in failing to advise on the planning permission for the wind farm.”

The solutions are **Plansearch Plus** and **SiteSolutions Energy & Infrastructure >>>**

Enhanced Plansearch Plus

Plansearch Plus is the most comprehensive planning product on the market and provides extensive details of the wider area around a property.

The user-friendly, illustrated report has been improved to provide a clear summary page outlining the key ‘finds’ highlighted in the report, without you or your client needing to understand the intricacies of planning laws.

Issues are highlighted on a map, with a summary, plus contact information so further investigations can be undertaken by you or your client.

Plansearch Plus includes:



Planning application data – for residential and non-residential applications



Land use designations



Housing and neighbourhood demographics



Amenities and Education



Rights of way



£10m Professional Indemnity Cover of £10million*



By presenting clients with all relevant search reports, you are providing valuable information that clients want to know about; they rely on their solicitor to represent their best interests by obtaining all pertinent information, prior to completion. **You don't need to interpret the results** – local development work is, after all, highly subjective and what some buyers may be concerned about may be seen as positive by others – but you certainly don't want to simply avoid the issue altogether.

In a disgruntled client's mind the key issue here will be that they were not informed of something they felt important. They won't care about whether they weren't informed because a search wasn't passed on or because a search wasn't run at all, **they will simply care that they weren't informed**. Failure to pass on all pertinent information may lead to a loss in confidence in the solicitor, and also the suggestion that not all relevant due diligence has been carried out on their behalf.

As part of your duty of care, ordering a PlanSearch Plus and/ or Energy & Infrastructure report where relevant demonstrates you have undertaken all practicable steps to reasonably identify information that the client would want to know.

It also provides far greater detail than what is shown by CON29 or replies to pre-contract enquiries.

To further highlight when a Plansearch Plus report is needed, our **Report Recommendation Service** contains 4 new planning alerts for inclusion on your search provider's website to help you notify your clients of any nearby planning applications.

By using these alerts to highlight when a 'Plansearch Plus' will contain valuable detail you can ensure that your clients are well informed when selecting reports for their transaction. We also have an alert for our Energy and Infrastructure report.

It ultimately provides a layer of screening that clients have come to expect from the conveyancing process and protects both you and your client.

Remove the 'guess-work' from property transactions with Plansearch Plus and Sitesolutions Energy & Infrastructure.

Visit Landmark.co.uk for more information

Energy and infrastructure report for residential and commercial sites



The Energy & Infrastructure Report provides an accurate search for both commercial and residential properties for a number of selected Energy and Infrastructure projects across the UK.

Make sure you are fully informed about the potential impacts. Our report can help by informing if the property is likely to be impacted by the following development projects:

The Report is a desktop analysis based upon an automated review of the datasets listed plus the following features: One day turnaround, front page at a glance summary, page of recommendations provided when necessary at the front of the report, clear mapping & symbology and more.

What's included:



High Speed 2 data



Areas licensed for on-shore energy exploration and production



The location of Wind Farms and Wind Turbines



Crossrail



Yorkshire and Humber CCS Cross Country Pipeline



The location of Solar Farms



Renewable Power Plants



Call **0117 983 6600**
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www.bourse.co.uk

If you require any assistance please contact our customer services team on **0844 844 9966** or by email at helpdesk@landmark.co.uk

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