

Selling Property -Land Charge Search

Guidance for Rights of Way

When a property is sold a local search may be undertaken. This search will give details of whether a street is adopted and other details of services relevant to the property. It should be noted however that this standard search **will not** automatically give details of the existence or alignment of any public rights of way unless specifically requested.

Local Authority Land Charge search forms are generally undertaken by the Borough and District Councils who often (but not in all cases) request the highway information from the County Council. Such searches are carried out by the Highways Development Control Section.

There is a question on the form regarding Public Rights of Way which is only completed if indicated by a 'tick box'. If requested, definitive routes which cross or abut the site identified are marked on the plan attached to the search form with the advice that any further information regarding Public Rights of Way may be obtained directly from the Countryside Access team.

The fee for carrying out a specific Public Rights of Way search is £57.50.

As public rights of way are not restricted to rural areas, not always referred to in title deeds and there is often no visible sign of a route on the ground it is vital that a specific rights of way search is requested by all conveyancers, either when the local search is submitted or by contacting the Countryside Access Team directly.

Possible issues arising from not having a rights of way search could include depreciation in the value of the property. In addition, litigation or a claim for damages could be made against conveyors if a public rights of way existence is not identified.

In addition to the local authorities there has been an increase in independent companies undertaking searches. It should be noted that any discrepancies or issues arising from a search carried out by an independent company should be taken up directly with them and not the local authority.