

Your Legal Questions



Stephen Soper
Partner & Solicitor

Q I am looking to buy a piece of agricultural land. I have bought houses before but is there anything I should be specifically looking out for?

A On the face of it, buying a field may appear a simple transaction compared to buying a house and more often than not this is the case. However there are different considerations when buying land. Points for consideration are as follows: Is the land being used by other people i.e. for walking, exercising their dogs etc. This could mean that the land is in fact common land which could interfere with any plans you have for it. Is the land actually vacant, are there any grazing animals for instance. The animals may belong to the Seller, or there could be a grazing licence in place. If there is a crop, who has the benefit of that crop. Subsidies can be claimed in farming, so does the land have the benefit of those subsidies and are they to be transferred to you. Does the land form part of any government management scheme and is this capable of passing on to you. Where does any surface water drain. If it is to a ditch, that ditch may be operated by a drainage board in which case there should be a consent to drain into it. Can you access the field, and what rights of access are there if it is from say a drove where there are no formal rights of way. The seller may also be looking to restrict future development. He may be asking for a share in any increase in value following development otherwise known as an overage clause, which again may interfere with your future plans.

As you can see, these are all points to bear in mind when buying land and the process may not be as simple as it might first appear.

Stephen Soper is a Partner and Solicitor in the Commercial and Property Department.

Direct dial 01934 637 915 / soper@powellslaw.com