

Improving the home buying and selling process Response



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The Heritage Alliance is England's biggest coalition of heritage interests, bringing together well over 100 mainly national organisations supported by over 7 million members, friends, volunteers, trustees and staff. From historic houses and museums to archaeological sites, canals and historic vehicles, the Heritage Alliance's diverse membership owns, manages and cares for the vast majority of England's historic environment.

The Heritage Alliance welcomes the Government's commitment to improving the existing home buying and selling process in order to make it cheaper, faster and less stressful as set out on its [call for evidence](#).

Our main points are that steps should be taken to ensure that surveyors working on houses built pre-1919 should have appropriate historic environment qualifications. The process should also ensure that those who buy a home which is listed or in a conservation area etc better understand their legal responsibilities to reduce damage to historic properties there for reducing enforcement costs for local authorities.

We have responded to those questions relevant to the Heritage Alliance below. We would be happy to supply further details on our answers if requested.

Estate agents

Q4. Should the government introduce more regulation for estate agents?

a. If so, what sort of regulation would be appropriate?

Estate agents often make mistakes in their particulars by stating things such as 'Grade II listing does not apply to the interior of a property'. There should be some way to complain to an independent body about such clear misstatements.

Conveyancing

Q10. Are there any particular public sector datasets which you think should be released as open data in order to drive innovation in the home buying and selling process?

The Historic England listing data should be linked to Land Registry records so that it is clearer that a property is listed and that this restricts what can be done with it both inside and out.

Similarly, the Land Registry should record, any special designation awarded by the local authority such as if the building is in a conservation area or locally listed so that this information is clear to the purchaser prior to the sale. This should say where further information can be found e.g. Historic England website. While this information may be recorded in local authority searches these are more expensive and slower than paying to access the Land Registry file.

Information on conservation areas would have to be provided to the Land Registry by local authorities as there is currently no clear central list of conservation areas. This makes it harder to identify whether a property is in a conservation area during the home buying process. As a result, it will reduce the chances of owners buying property without knowing their legal responsibilities, and potential penalties.

Making this information more easily available at the Land Registry reduces the likelihood of owners carrying out unauthorised works harming heritage assets. This in turn should reduce the amount of enforcement action required by local authorities - reducing their costs.

Finally, the Land Registry should also hold data on whether the property is in an Archaeological Priority Area. Property buyers should know from the beginning if works they might wish to undertake which include excavation might attract an archaeological condition.

Q11. How could other parts of the home buying and selling process be improved through better use of digital technology?

This relates to other answers about making information, on their homes and the historic environment, more easily digitally available to homebuyers.

Mortgages and the requirements of lenders

Q13. What other improvements could be made to the process of applying for and obtaining a mortgage?

See our response to Q14. Lenders should not require non-independent damp surveys to be carried out by firms selling damp proofing work, before lending.

Informing consumers

Q14. How do we ensure buyers and sellers are able to access good guidance on buying and selling homes?

A key part of the Guidance for those buying homes is a survey.

But even when buyers pay for a full building survey, some surveyors will then say that the buyer should commission further separate surveys to check for damp or timber defects etc.

It is unfair for buyers to commission a full survey expecting that to deal with everything only to have the surveyor recommend a 'specialist survey' to determine the full extent of damp or timber defects – passing the liability to another party and creating a further cost for the buyer. Most buyers commissioning a full survey would not expect to have to pay for further surveys. Any such exclusions should be more clearly stated up front to help the consumer choose a surveyor with the right expertise for the job.

The Government should ensure that any surveyor taking on a job for a pre-1919 built house has historic environment qualifications, preferably as an RICS surveyor Accredited in Building Conservation, to deal with pre-1919 construction houses which are quite different but make up a about 25% of the UK's housing stock. The Government should ensure that RICS, and buyer's solicitors, clearly advise buyers that a surveyor should have such qualifications to advise on historic buildings. However, upskilling the workforce to include a cohort of accredited conservation

Surveyors sufficient to inspect all pre1919 domestic transactions will take time so the industry should be given time to prepare.

Buyers of older properties who have been told to get a further damp or timber survey, faced with all the other costs of moving, often end up using free damp surveys from damp proofing firms which do not provide independent advice as the damp treatment company has a vested interest in recommending work which it then will carry out itself.

Anecdotal evidence and personal experience suggest that these companies often recommend thousands of pounds worth of damp proofing without necessarily identifying or tackling issues which actually cause a damp problem such as a leaking down pipe. A house purchase is expensive and often stressful – buyers should not be encouraged to carry out unnecessary damp treatment at such a time to get a mortgage.

A separate issue is making other sources of existing advice and guidance more widely known among buyers. It would be wise to collate this in a central online location – probably the gov.uk website – which buyers should be directed to from links in estate agents’ particulars and in solicitor’s advice.

This guidance should include information on owning listed/ historic buildings and the legal requirements this places on owners. This should help ensure that these buildings are better protected by their owners and counter incorrect information spread by estate agents such as Grade II listing does not protect the interior of a building only the exterior.

This page should also link to Historic England advice about owning a building in a conservation area or a pre-1919 constructed buildings, and commissioning a survey from someone with the appropriate qualifications.

Any additional points

Q25. What else should the government be doing to help improve the home buying and selling process, and reduce the cost for consumers?

As stated above ensuring that buyers have the right information to only hire those surveyors with the right qualifications to deal with pre-1919 buildings will reduce the chances of consumers having to pay for further specialist surveys.

Ensuring that buyers are fully aware of their legal responsibilities when owning a listed house for example this will reduce the likelihood of them carrying out unauthorised work which they are then required to pay to have rectified.

Contact

Joe O’Donnell

Policy & Communications Officer

The Heritage Alliance

10 Storey’s Gate London

SW1P 3AY

020 7233 0500

policy@theheritagealliance.org.uk