

## Episode 117

# What to look for in a plot of land – with David Snell, author of Building Your Own Home

The show notes: [www.houseplanninghelp.com/117](http://www.houseplanninghelp.com/117)

**Intro:** David Snell is a serial self-builder and author of “Building Your Own Home”. He’s also been a regular contributor to “Homebuilding & Renovating” over the years. We last chatted to him in episode 50 where we discussed hiring contractors and sub-contractors. This time we’re going to look at how you appraise a potential plot of land.

I started by asking him about his ‘final’ self build in Kent.

**David:** Yes, but it didn’t quite work out that way because we decided that we didn’t really want to live in Kent. We had a lovely plot, it was a super plot, it was a super place, but we decided that Kent wasn’t for us and that we wanted to go back to Gloucestershire where our grandchildren are. And also where we knew everybody. And in particular from my point of view, I know every single builder and every single sub-contractor so that if I want a plasterer, or a plumber or an electrician in the middle of the night I know exactly who to ring there, whereas here I always felt at a loose end to be honest.

**Ben:** That’s interesting that you clearly value those relationships.

**David:** I think one of the keys of success of a self build, quite apart from finding the plot and everything like that, the next biggest key is really having a decent relationship with a builder or a sub-contractor. Because if you haven’t got that bit right, then all the bits that went before, finding a plot, getting the planning permission, getting the design, all of that, goes up the wall.

**Ben:** I’d like to talk to you today about when we come to a plot and we’re trying to work out, is this a good plot and some of the things we might need from it. So, where would we get started if you’d seen something you like, what would you be looking at?

David: Well I never stop learning. I've looked at plots all my life, and writing for the magazine on Plotfinder Challenge I looked at plots on a regular monthly basis throughout the country. And it never ceases to amaze me that you come round the corner and there's the dross, and then you come round another corner and there's something that makes your jaw drop to the floor.

I've never really bothered, I've always tried to go out before looking for single plots. And this time I went out looking for single plots and asked the agent, how I work when I want a plot, if this is any interest to you, how I work is a bit like a fisherman in fact. A fisherman doesn't just put his bait on the hook and chuck it into the river, he actually picks up a handful of bait or maggots or whatever and throws them in as ground bait and attracts all the fish to where he's going to be fishing. Then he throws his hook and line in. And that's what I do. I put the bait out, I talk to as many people as I can, architects, solicitors, estate agents, other builders, developers, local people I know, everything like that. I'm going to be looking for a plot soon, I'm going to be back here in earnest in a few weeks' time or a months' time, and I'm going to be earnestly looking for a plot and hopefully you'll have something for me when I come back.

And that's how I've always done it and that's how I did it this time. I went as usual and looked at a few single plots, one of them was very passable, one of them you'd have to be a mountain goat to live there, and then there was another one, which was a double plot. Now I've never really gone after double plots. It suddenly occurred to me that this is a brilliant idea for self-builders because most self-builders know another person who wants to build as well.

And that's exactly what I did. I saw this double plot, it's too much for me, I don't want two plots of land, I mean if I was really rich I'd have both and have a big garden but do I want a big garden at my age anyway?

Anyway, I bought this double plot. I said yes to this double plot. We had to sort of shift some money around in order to get the double plot, and I immediately sold it on for a £10,000-£15,000 profit. The single plot that I didn't want.

In fact I went one better than that, because we were just talking about building relationships, I knew a builder in the area and I'd called him to have a look at the plots, and I said to him what are we talking about building this plot for, and he told me. The value of the building, the house I want, was just about the same as the value for the plot. And he said, I'd like that plot, and I've got to raise the

money then. And I said, well there's no point you paying me some money only for me to pay it back to you. Why don't we just do a deal, whereby you build the house, and I'll give you the plot, and that's the arrangement I've come to. I've sold the plot to him for a quid. He's taken out a mortgage with me for the value of the plot. That is redeemed when he builds the house, or else a backstop date comes into play. And it seems to me that I'm quite excited about that arrangement.

It might seem new but I've actually done that before. I did it before on a double plot in Kent but in reverse. Then I was the builder and somebody came to me and said I've got this small bungalow on a large plot, can you build me a new house and you can have the other plot? And that's what I did, so it was a spin-off from that. And that was twenty years ago.

Ben: Have you ever bought a bungalow for demolition, or something much smaller?

David: Yes, oh yes.

Ben: So when you come and look at those, what are you actually interested in if you think this is a demolition?

David: You're always interested in the same thing whenever you look at any plot, be it greenfield, brownfield, greenbelt or replacement. You're always looking, is this in the area I want, is the approach right, are people going to like driving up to the house I build on this plot, what's its kerb appeal going to be? All of that comes into play wherever the plot comes from.

But with replacement dwellings you're looking at the neighbourhood. Perhaps a little bit more than you would with a greenfield plot. Because with a greenfield plot you tend to create their own environment. But the environment's already fixed with a replacement dwelling.

So if you're looking at a replacement dwelling, you must never forget that we all need our houses to have some value and we all rely on our neighbours sharing those values. If you buy a plot next door to or in the vicinity of neighbours who don't share your values, who think that cars look better up on piles of bricks than wheels, and chuck everything in the front garden, then they're going to devalue your house. And there's nothing you can do about it. You can't say I don't like that bed in your front lawn, can you move it,

because you can't force them to, so they need to share your values.

So with replacement dwellings you really need to look even more rigorously at its immediate surroundings and its approach, which is important. It could be lovely when you get to the plot, but if you've got to drive through somewhere horrid to get to it, people's spirits have sunk by the time they get there, and so has the value of your home!

But the replacement dwellings nevertheless, have I think probably they're one of the best sources of plots in the normal course of events, simply because of so much infrastructure there. If you buy a replacement dwelling it probably costs peanuts, a couple or three thousand at most to take it down. There's probably salvage value in it as well so the demolition is virtually nil, but there's so much there that's really really good. You wouldn't have to put the driveway in, you won't have to bother with crossovers, you might not have to bother with cutting up a road to put sewers and things in. The electricity will be there, the gas will be there, the water will be there. All of that infrastructure will be there and on top of that the garden's probably done, the fences are in and the trees are planted. So there's so much that you haven't got to do.

Ben: You raced through some brilliant things there so I want to slow down and go back.

David: It's my mind!

Ben: Well you know it all! When we look at that plot then, I don't know where we should start, is it the services that you might first want, or is it looking for a flat piece of ground? Let's start going into some of those.

David: A plot sings to you. It's what you're after. If you've lived all your life in an urban street or in a city environment, and what appeals to you is pavements and the odd tree sticking out of a hole, then you're looking at facilities, you're looking at where the nearest theatre is and everything like that. If you're looking for a rural plot, you're looking for have I got the views, have I got the neighbours, is there forest that I want to walk in in close proximity? All of that sort of thing. So there are different things to different people. It's what sings to you. It has to sing to you, it has to call out to you and say "I'm for you".

Ben: Right, I haven't had that. It's really interesting you saying that. Perhaps on the first, we put in two bids and on both of those I thought I could live here, this is going to be good. But I haven't really had that deep down "wow". This is it, I've got to have this.

David: And I think you need that. I think you need that because if you're going to do it, especially as a couple, then it has to sing to two of you quite frankly. And on this current plot we pulled up at it at the weekend, the vendors were away, we couldn't get on the plot because it's high hedges. We stood there and we just looked at each other and Mrs Snell said to me "I want this". And I said "so do I". And we moved heaven and earth to get it because it sang to us both.

Ben: Quite interesting too that we've gone through this stage now, we've got a connection there, so is everything else really just it's paperwork and getting things to a point where we get things like our services and that you've mentioned all these other things?

David: All of that follows on. I like this place. I want to live here. This is where I can see my new home. That's number one. After that you start filling in the details. Are the services available? Well, they may not be, but it's not impossible to get them there and it's not impossible these days to live off grid as well.

The most important thing is obviously has it got planning permission and will I be able to build what I want? And that's once you've seen the plot, this I like, then you start, the first detail you look at is the planning permission I think and what it's got planning permission for.

I don't advise anybody as a lay-person who wants to build their own home to start speculating on buying land and hoping to get planning permission for it. Never ever touch land until it's got some sort of express planning permission - in outline or detailed form.

But whatever it's got, whatever planning permission it's got, the chances are that you can change that planning permission, that you can make what you want on it, subject of course to the local authority and the planners.

Current plot for example, case in point, had planning permission for a three bedroom sort of dormer bungalow thing. And it wasn't and isn't what we wanted to live in so we changed that. First thing I did is mince down the local authority and saw the planning officer and said this isn't what I want, this is what I want, what do you think of

it? In actual fact they loved it because I had realised that by reading what had gone on before on planning that they were rather concerned that the street scene was being filled up a bit too much shall we say. And so what I was doing was designing a house which created more open space on a more less visual impact if you like, and so they loved it and they accepted it.

But if you're trying to reverse that, if for example, it's got planning for something small and you want to build something very big, then tread with care because you could go down to the planning office and they could say, well no, this is as much as we want on here. In that case the plot's not for you, if you can't build what you want on there.

Ben: Sometimes I see a drawing in, if I'm looking on Plotfinder and things like that, so is that really just a cookie cutter of what could be there and we shouldn't worry too much about that just so long as it's got one of those planning permissions?

David: Planning permission has given the land a value. The value the land gets is based upon the house that can, or will, be built upon it. So that otherwise it wouldn't have any value other than just garden land, which is £1,000 at the most. So it's planning permission that gives the plot its value.

But nevertheless, all planning permissions these days, even in outline, have some form of design on them. You can't get outline planning permission, in the old days you could just get outline planning permission in blanket, 'it has got outline planning permission'. These days you have to have provided some details of the design, the height, width and appearance of the property. And so it gives you an indicator.

You're never going to get less than that. It's whether you're going to get more that's the question. You're never going to get less than that unless you want less than that. If it's got planning permission for a three bedroom bungalow and you only want a two bedroom bungalow, chances are that nobody's going to argue. But if it's got planning permission for a three bedroom bungalow and you want to build a five bedroom bungalow then you're starting to argue things upwards, and that can in some instances be difficult. Not impossible, but difficult. You may have to do things incrementally. You may have to go softly softly catchy monkey and build your three bedroom bungalow and then one day extend it or build a bit more on it or use your permitted development rights or whatever.

Ben: Can we talk about conditions, because when you have planning permission you're going to have some conditions and I know I've heard you in the past talk about discharging them, so please explain this area?

David: Okay. All planning permissions have conditions. Some of them are the normal ones like time limiting, so all planning permissions are time limited for a start. If you're offered any piece of land, I think it's number one on most planning permissions, when it will expire. Take a good look at that one because planning permission is time limited, and if you're buying a piece of land and you've got work to do on either discharging conditions or changing the plans to something you like then there has to be enough time for you to do that, before the planning permission expires, otherwise you could be finding yourself without planning permission on the piece of land. So that's very important, the time is the most important one.

There will be then, maybe up to 30 other conditions in some cases. The piece of land I had in Lydd had 25 conditions on it, and they have to be read and carefully looked at because all of those conditions have to be discharged at some point. Now some of them are discharged in the normal course of events of getting planning permission, getting building regs and everything like that. But some of them will be worded that they must be discharged prior to any commencement of work, which means you cannot start work without having those conditions already discharged by the local authority.

Some good things have happened on that, because planning officers were taking ages and ages to discharge conditions and I had a case in point with a plot of mine, where the consent was in fact threatening to run out whilst they were still considering discharging a normal condition. It was just a condition on external materials and they just would not make their mind up. That's all changed recently. They now, planning officers, planning departments now have eight weeks in which to discharge conditions and if they haven't given you a discharge within six weeks, then you give them two weeks' notice and if they still haven't given you a decision on those then the condition is deemed to satisfy.

Ben: I'm probably going to show that I really don't understand how this works, but who is setting up these conditions in the first place? Is it not the people who are discharging them?

David: It is. It's the same people! It's normally done at officer level and at officer level they would, for example, there may be a condition, a normal condition that you'll come across, is that prior to any commencement of work, agreement should be sought, obtained from the local authority as to which brick you'll use, which tile you'll use, what colour your windows are, what they're made of and everything like that. So you then have to get into this long involved process with the planning officer who put those conditions on as to what sort of bricks they want, what sort of tiles they want etc. And they in turn, when you submit samples of your bricks and say this is the brick I think I'd like to use, this is the tile I would like to use, they in turn may then go to their conservation officer or other bodies and say what do you think of this? He's planning to use this. And this can go on interminably!

Now as I say it's time limited. They have to give you a decision within eight weeks. I mean they could give you a negative decision because they simply can't make up their mind, so they could give you a negative decision. But if they don't give you some sort of decision if you submit an x, y, z brick and they don't give you a decision in the eight weeks then it's deemed to satisfy.

Ben: What are pre-apps?

David: Pre-apps were invented because somebody thought that it would be a great idea if planning officers and planning people and people making applications for planning, everyone involved in the process, would stop wasting their time on frivolous or vexatious applications which had no chance, and it would be an opportunity for planning officers in particular to influence what sort of application was eventually going to be received.

Planning departments charge for this. Some of them charge quite heavily in fact – several hundred pounds for this pre-app.

The fact is though, that nothing a planning office says or a planning officer says or a planning department says verbally, or in writing, is binding on that local authority unless it is a determination. So that you could have reams of stuff back from a planning officer after a pre-app saying I think you should do this and do the other, and it's all absolutely conjecture. Quite frankly, a lot of opinion in the industry and people who work in the industry, is that pre-apps are just a complete waste of time and money.

Ben: I love finding out all of this stuff! Okay, let's go back to the plot then and access is obviously going to be a key thing. What do we need



to look for in terms of access, both for cars I suppose and us coming on and off?

David: Well for most people access means vehicular. If you're building in an urban environment it's just pedestrian, but for most people there's got to be some sort of vehicular access to the property. There has to be some access for construction as well by the way! Something a lot of people forget. It's all very well you've got a 2.5m driveway, a long 2.5m driveway to your plot, and everything's going to be hunky dory when it's built, but unless you've got helicopters bringing everything in it's going to be frightfully difficult to build. So access for construction.

But access is important because, as I say, in most cases without access it ain't a plot, and so you've got to look at that.

In many cases plots, in most cases to be honest, plots have direct access to the Queen's highway. And that isn't a problem. It may be to the metalled highway or it may be to the grass verge which is within the highway, and that isn't a problem. You can get access and it wouldn't have got planning permission unless it could demonstrate that access.

Something to remember here though, that planning permission, and it's important for anyone thinking about building a home should learn as much as they can about planning permission, and one maxim to remember is that planning permission says you 'may' build something. It doesn't say you 'can'. So you may have for example a plot which has got a lovely long driveway giving access to this plot, and going past these few houses and everything like that, and everything's going to be hunky dory and the planners are happy with that and it's got planning permission. But if it doesn't have a **legal** right over what may be a private driveway, then you can't operate that planning permission. And just because you've got planning permission it can't override that lack of a legal right. And so whether you've got legal right of access over other people's land is important because if you haven't got that then it's an inoperable plot.

Ben: I looked at one that had some issue, it was a lane that went there but I think the council who were selling the land had insurance against that.

David: It's entirely possible. Land gets bought and sold all over the place. Bits of land get carved off from other bits of land and sold, and bits

get left behind and somebody doesn't think ahead about the consequences of sales and resales and things like that.

Case in point I had a double plot in Rolvenden in Kent and there were 18 houses on that road but nobody knew who owned the road. It had been left by time. Equally, nobody was going to get out on that road and suddenly build a wall across it and stop everyone getting access to their houses. It would have been knocked down before they got it half built!

So what do you do about that situation? Quite simple. A single premium indemnity policy, a couple of hundred pounds, will insure you against somebody coming along and saying you've got no right to drive over here, I happen to own it. Things like that.

Ben: Let's move on to trees. I know that they're brought up a lot, but what do trees tell us about a plot and if a tree has been removed why is that relevant?

David: Trees are very important. First of all trees will tell you a lot. You need to know about sub-soils and things like that when you're building a house so trees will give you an indication of the kind of sub-soil you're going to come across.

If you've got a beech tree the chances are you've got chalk underneath. If you've got an oak tree the chances are you've got clay. If you've got alder trees the chances are you've got heavily waterlogged land, etc. If you've got things like willows and poplars then their root systems can be injurious. Actually physically injurious to property.

The other thing is that if you've got clay and the presence of trees which is in a lot of the southern part of the realm, then you've got to be very careful of something called 'heave'. Trees take up enormous amounts of water from the sub-soil. The soil beneath a large tree will be completely friable, you can crumble it in your hand. Take that tree away and the tree has stopped taking the water from the soil and the soil becomes waterlogged again. If it's clay, clay has one volume when dry, and another volume nearly twice as big when it's wet. And what can happen is the clay can expand and it causes what's called 'heave' and that can break a house in two. And I've seen that happen by the way.

So you've got to be very careful with the presence of trees to houses and particularly their removal in clay situations. It's not impossible. Again it's why I said looking at the plot and saying is it

the one for me, and then sort out the details later. It's not impossible. Your contingency will take into account the fact that your foundations because of the presence of trees and clay are going to cost that little bit more. Not a lot more in terms of total percentage of the cost, a maximum 10% of the total percentage of your cost, in absolute worst case to be honest.

Ben: And there are tree preservation orders just everywhere or just in some areas?

David: That's a planning issue. That was the physical side of things with trees, but there is also the planning side of things. The emotional side of things.

People get very very emotional about trees. People want to hug trees and people want to live in them and things like that! And people like trees and trees are very nice.

And planners are very insistent that trees remain wherever possible. It's not always possible and sometimes that's a bit of a problem. If there is a Tree Preservation Order then it is very difficult to do things about it. It's not impossible again. You can go to the arboricultural officer, very difficult to say, and negotiate with them about removing one tree and maybe replacing it with another. Perhaps a better specimen if it's a sycamore or something which are a basically a weed tree and you say yes but wouldn't it be lovely to have an oak tree there, but we'll put it just over there so that it won't affect the house. That's the sort of negotiation you can get to. But if you cut down a tree with a TPO or a group of trees with a TPO on them then you're in dead trouble with the planners.

Ben: Neighbours – I know that they're not necessarily on our plot but they do affect us as we go through, so what do we need to know about the neighbours?

David: Well neighbours are important. First of all you're choosing where you're going to live and you're choosing your neighbours, and they're in a way choosing you because they'll freeze you out and make you not want to live there then they've chosen not to have you as a neighbour!

I have to tell you that I have never not had animosity from neighbours when I've self-built. Even the current plot that I'm building to live in 'forever'. One of the next door neighbours has been violently opposed and has done everything they can to throw up everything they can to stop me building. They've lost, I'm going

to build, but they're going to be hostile. I know they're going to be hostile. I will win them over! At the moment I'm altering their status quo. I'm changing everything. In three years' time, I will be the status quo. The house will be built, the grounds will be planted, peace will be restored and friendship is normally restored.

On the last house I built in Gloucestershire, one particular neighbour shouted at us every time we got there in the morning, parked cars to stop us getting lorries up the lane, everything like that. When I left two years later he was in tears because he was losing a good neighbour.

Ben: Well this is an episode that has been very interesting. I know we can go deeper into this. Are there any other key points? I mean even you rounded this up right at the beginning, but any other key points that we should mention before we wrap up?

David: I think covenants. Again, this is not something that would put you off a plot unless there's a straightforward covenant 'thou shalt not build'. But even that's normally doable. You can get past that in many cases. But the covenant is important.

Covenants are something that exist – they attach to a piece of land. They attach to the deeds of a piece of land. And a covenant is something that gives somebody else on another piece of land rights over your piece of land.

So that there can be a covenant that says you shall not build. In many case 'you shall not build' covenants have expired over time because the house that put the covenant on may have ceased to exist or the people aren't there any more and just time's marched on but that covenant is left there.

And again, on that sort of situation you can get a single premium indemnity policy, restricted covenant indemnity policy. That in the unlikely event of someone arriving back from Australia and saying I've been away for 30 years, why have you built that house there when I had a covenant for you not to do it, it would pay them out and solve the situation.

But you do have to look at covenants. In many cases the covenants that most self-builders will come across, most self build plots are carved from somebody else's garden. That somebody else who's giving up part of their garden, is delighted to receive the money from you, but they're also slightly worried about what's going to be built there and how it's going to affect them and whether it's going

to affect their values or the enjoyment of their property. And so what they do is they put covenants on that piece of land they're selling, thou shalt not build any house with windows looking into my garden, so no windows to the east. Thou shalt not have opening windows on the top floor, things like that just to preserve some of their privacy. Those sort of things are sacrosanct and because there is a direct beneficiary living next door it's very very unusual that you can get those removed.

There are other forms of covenants which are ransom covenants, where somebody has sold a piece of land in the past as a paddock say, and they never wanted a house there but they thought I don't want to sell in a paddock for a few thousand pounds if one day he gets planning permission to build a large house on it and he makes a fortune and that won't be fair because I own the land now.

So what they do is they put a covenant on the land, an uplift clawback covenant. This I've come across in the house before the house before last, where there was a clawback covenant where the exact same thing had happened and there was a payment that had to be made to that previous vendor that in the event of the land getting planning permission he had to receive a certain amount of money, a third of its value actually. And that had to be paid. The important thing is because we knew about that before we bought the land, that discharge of that covenant, had to be paid by the vendor to me. So he had to pay off that covenant, not me. So that to use easy figures, if there was a covenant which required a payment of a third of the value of the plot, and the plot was worth £100,000, that's £33,000. So if the plot's for sale for £100,000 you pay the vendor £70,000 odd and he pays the £30,000 odd to the covenant holder.

Ben: Well David, I always learn a lot when I speak to you!

David: So do I!

Ben: So thank you very much.

David: I don't know where it all comes from sometimes!