

**Commercial Land and Property Deals**  
**What you need to be aware of**  
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**Partner**

**Commercial land and buildings are more than likely to be one of your company's largest assets and one of the biggest commitments you will make in your business.**

Planning for any move and coping with the legal aspects can involve a large amount of your time, money, effort and emotional concern. Your choice of a good lawyer to guide your property and land deal is crucial. From the early stages, work closely with your solicitor so they understand exactly what drives your business. This will ensure tailored advice to help you manage commercial risk and maximise profit.

Commercial property deals can be straight forward when it involves an existing building. Once the seller's paperwork is in place and you know the limitations or restrictions on the building the sale or lease can be negotiated and paperwork completed. Not all commercial property deals are this straight forward and when they aren't you need to decide if the building or land you want is indeed right for you and your business.

If you want to change the type of business the premises are used for, you may need to apply for planning permission. If you want to make any significant alterations to the premises, you will probably need both planning permission and building regulations consent.

If you lease the premises or land, the lease may contain extra restrictions. For example, the lease may prohibit you from applying for a change of use, or require the landlord's consent to any alterations.

Even if you own the freehold, there may be other restrictions. For example, the terms of planning consents might restrict trading hours to protect local residents. Or the land itself may be bound by restrictive covenants, which can limit what you can do at the property.

Restrictions are more likely if the building is listed, or located in a conservation area. It is essential to check any restrictions before you commit to purchasing premises.

Over the long term, owning the freehold can be more cost-effective than leasing premises. Owning the freehold can give you greater flexibility in how you adapt and use the premises. However, if you expect to want to relocate or acquire different premises, a flexible lease may be a better solution.

When buying premises or land make sure you have budgeted for all costs involved. These include:-

- The initial purchase cost (for a freehold) or lease premium (for a lease).
- Stamp Duty Land Tax and Land Registry fees.
- Professional costs for your solicitor and surveyor.
- Any initial alterations, fitting out and so on.

Where things can become interesting is when you look to undertake a commercial new build and or acquire land for commercial purposes. Without expert advice you could very quickly get out of your depth and incur substantial costs by simply not knowing the detail of commercial land and new build regulations.

The environmental consequences of building on, for example, contaminated land have become more of an issue in recent years. It is now standard practice to carry out a separate environmental search to identify likely risks. Consideration has to be given to rural and agricultural land in terms of public rights of way, vehicular access, utilities, whether it is a site of special scientific interest and if indeed it is suitable for commercial property buildings.

Commercial property and land deals should always be viewed with a long term plan in mind so the best advice can be given about the property life-cycle. Be prepared to make decisions on many aspects from site assembly and acquisition, construction procurement and development, plot sales and overall site disposal. Be prepared that what you started out wanting to do may not be what you get.

Getting the right legal advice from the outset is crucial to guide you through the complexities of the legal and planning system and to help you get the best out of your investment.

**If you would like advice on commercial property and land, please contact our specialist solicitor, Duncan Morter at our York office on 01904 624185 or email [property@crombiewilkinson.co.uk](mailto:property@crombiewilkinson.co.uk)**

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