

## Email to Candidate

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**From:** Partner  
**Sent:** Today's date  
**To:** Candidate  
**Subject:** Chris Armstrong – Sale of Building Plot at Dovedale View, Pennine Road, Ashbourne

Chris Armstrong, an existing client, called in a few days ago about the proposed sale of a building plot.

A couple of years ago Chris inherited Dovedale View from Chris's grandfather. The property has a very large garden and Chris is now selling about half of it as a building plot. Chris is registered as proprietor of the whole of the property at the Land Registry.

Chris has obtained planning permission for a 2 bedroomed detached single storey dwelling (a bungalow) and garage to be built on the building plot, to the western side of the existing house.

Chris has already agreed a sale of the building plot although contracts have not yet been exchanged. The buyers are retiring early next year and plan to move in as soon as they retire. They want to start the building work as soon as completion takes place. The following issues are of particular importance to Chris:

**Use:** Chris is anxious in case the bungalow is subsequently extended, or worse still, replaced by a two-storey house or even something like a block of flats. Chris wants to know how this can be prevented.

**Access:** The two properties will be accessed by the existing drive. This is a condition of the planning permission. The drive must remain in Chris's ownership. It is in good condition now but Chris is concerned about future maintenance. Chris needs to ensure that the buyers contribute half of the future maintenance costs. Chris raised the question as to what will happen after the buyers have sold the bungalow on to someone else. Can we make sure that future owners will also have to contribute?

**Extending Dovedale View:** Chris may want to extend Dovedale View in a few years and doesn't want the buyers to be able to prevent this.

Chris has very strong ties to Dovedale View and envisages using it as a holiday home for many years. Chris accepts there will be some noise and disturbance for a few months whilst the building work is on-going, but Chris wants to minimise any disturbance and intrusion both during the building work and in the future. Chris would like the buyers to construct a fence to help achieve this.

Also Chris states that Chris will need to go onto the building plot to maintain both the drive and also Dovedale View (the side wall of the existing garage of Dovedale View is very close to the new boundary with the building plot.)

**Chris dropped off the attached sketch plan and in the light of the above wants to ensure that:**

- 1. Chris can control what the building plot is used for in future. The planning permission is for a single storey house and Chris does not want the bungalow to be extended or replaced by a two storey house or worse still a block of flats.**

2. Both properties can use the existing drive. Chris wants to keep ownership of the drive and get a 50% contribution towards the future maintenance of the drive from the current buyers and any future owners of the building plot.
3. Chris will be free to extend Dovedale View in the future, should Chris wish to do so.
4. Any disturbance and intrusion both during the building work and in the future is minimised. Chris would like the buyers to construct a fence as soon as possible along the boundary between the building plot and Dovedale View to help achieve this. (This boundary is marked with a 'T' on the sketch plan.)
5. Chris has access to the building plot to facilitate maintenance of both Dovedale View and the drive.

Chris is coming in today and I want you to see Chris to discuss the sale.

I have agreed costs etc. with Chris and checked the Capital Gains Tax ('CGT') position, so these need not be mentioned.

**At your meeting, I would like you to explain to Chris:**

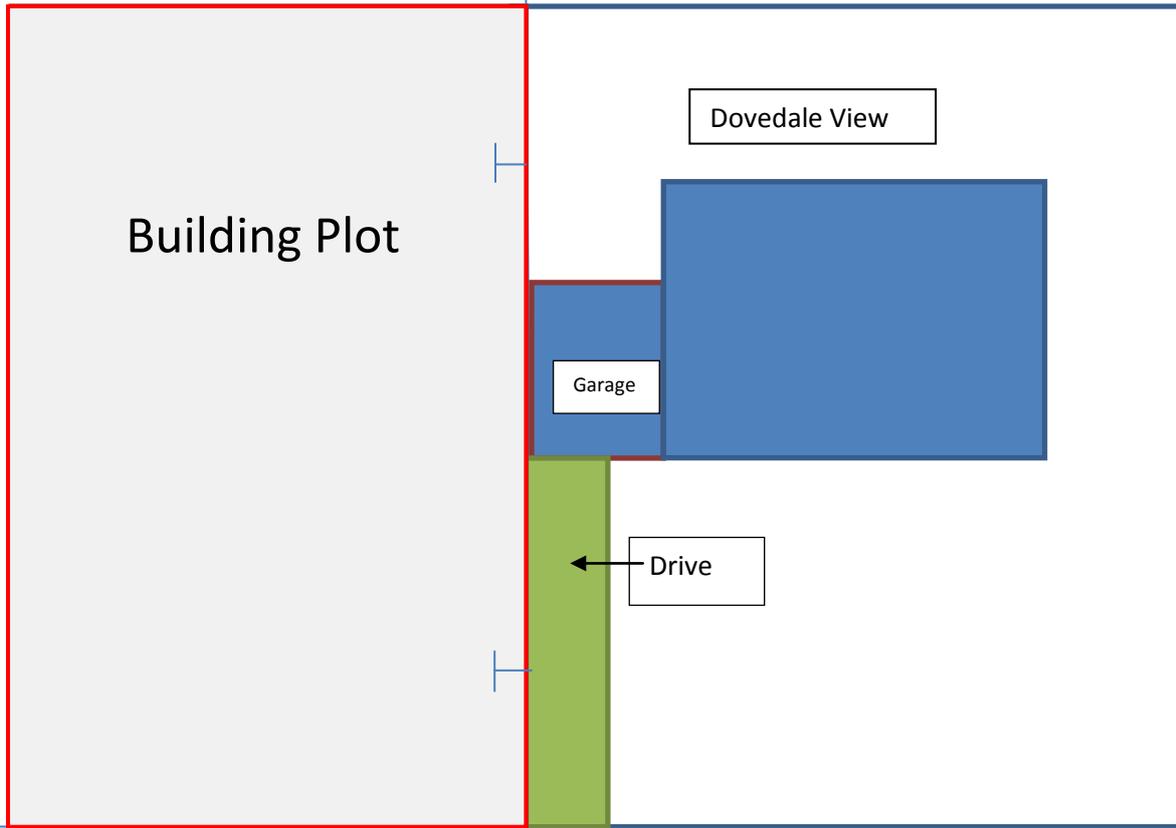
- (a) Whether and how Chris's concerns about the sale can be met; and
- (b) Whether the solutions you suggest will be effective to bind future owners of the building plot as well as the present buyers.

*Attachments: Sketch plan of building plot at Dovedale View*

**Note to candidates:**

- (i) For the purpose of this exercise you should not deal with nor will you be asked about: client care issues including costs; tax (including CGT); or money laundering issues.
- (ii) Remember that this exercise is an oral presentation and not an interview. If the client asks questions you should answer them as appropriate but do not expect to engage the client in conversation, nor should you seek to obtain further instructions from him/her.

SKETCH PLAN OF BUILDING PLOT AT DOVEDALE VIEW



Pennine Road