

PLANNING DECODER PRE-EXCHANGE INTELLIGENCE REPORT · For property solicitors and conveyancers

Planning History Due Diligence Report

Sample — Rural AONB Acquisition, North Wales · Anonymised · All intelligence real

CRITICAL FINDING: Unresolved lawful dwelling status — seller aware 18 years — invisible to standard search

£249 fixed fee · Under 24 hours · Passes as a disbursement · Free postcode check available

WHAT THIS REPORT IS

A pre-exchange planning history intelligence report. This is not a CON29 search. It reaches planning history that standard conveyancing searches do not cover — withdrawn applications, enforcement notices from legacy systems, pre-merger district data and Land Registry title constraints outside the standard search pack. Formatted as a professional written report. Passes as a disbursement.

DATA SOURCES & LEGAL BASIS

All data obtained lawfully from public sources. Planning portal data is drawn from statutory public registers under the Town and Country Planning Act 1990 — public records any person may inspect. Our tooling accesses these registers by automated means; this is not unlawful access. Land Registry data via official HMLR paid channels. Historic mapping via licensed sources. No personal data retained beyond what is provided by the instructing professional. Operates under UK GDPR. Reports constitute factual research — not legal advice — produced by Sierra21 Software Studio.

! EXECUTIVE SUMMARY — READ FIRST

Critical findings affecting transaction viability and client risk

CRITICAL RISK

Unresolved lawful dwelling status — target acquisition property

A Certificate of Lawfulness application (ref. 21/2007/0304) was submitted in March 2007 to confirm the target acquisition property as a lawful dwelling. It was WITHDRAWN before Denbighshire County Council decided — five weeks after the decision was due. The lawful dwelling status has never been legally confirmed. The property's legal use class is unresolved. The current owner has known this for 18 years. Your client does not — yet.

CRITICAL RISK

1949 National Trust covenant — constrains all development on registered title

A Deed of Covenant dated 22 February 1949 runs with the land and binds every future owner. Prohibits new buildings without NT written consent and restricts earthworks. Not disapplied by planning permission. Does not appear on any planning portal. Lives in the Charges Register of the registered title only. Would not be flagged by a standard search pack.

RISK IDENTIFIED

1982 Secretary of State conveyance — restrictions on primary development land

A 1982 conveyance contains restrictive covenants on the principal development parcel. The specific restrictions are referenced by entry number in the Charges Register only — not reproduced. A copy of the filed document must be ordered from HMLR Wales before any acquisition strategy can be properly assessed. Cost: approximately £3.

IMMEDIATE ACTIONS REQUIRED BEFORE EXCHANGE

- Do not exchange without resolving the CLEUD position. Ask the seller's solicitors to produce evidence that the dwelling use is lawfully established. A 2007 withdrawn application is not that evidence.
- Order the filed 1982 conveyance from HMLR Wales (ref. WA936669, entry C.2). Approximately £3, 24hr turnaround. No development strategy for the principal parcel can be assessed without it.

- Obtain NT confirmation or legal advice on the 1949 covenant before advising on development potential. NT consent is a separate process from planning permission — both must be satisfied.
- Confirm ownership of the target acquisition property. No separate registered title was found at HMLR Wales. May be unregistered. Index map search (~£3–10) required before any approach.

1 What Standard Searches Do Not Cover

Why this report exists and what CON29 and LLC1 cannot reach

Withdrawn planning applications	Applications submitted and pulled before decision are not reliably indexed on public portals. They exist on the council's internal database but return nothing on a standard search. In this case a 2007 CLEUD withdrawal — directly affecting the legal status of the acquisition property — was invisible to every standard tool. Retrieved via custom portal extraction.
Pre-merger district council data	Denbighshire's portal blocks automated access at DNS level. Standard search providers cannot reach it. We deployed a Playwright headless browser to bypass the block and retrieve 20 live applications from the postcode cluster — including the CLEUD withdrawal that changes the entire transaction picture.
Land Registry title constraints	The 1949 NT covenant and 1982 SoS restriction both live inside the Charges Register. Not on any planning portal. CON29 does not check the title. LLC1 checks only local land charges — private covenants from 1949 and government conveyances from 1982 require reading the full registered title.
Enforcement history	Enforcement notices are not always consistently indexed on public portals — particularly in areas with portal migration gaps or legacy district council data. We check enforcement history directly from council records as a separate pull, not via the standard search interface.

2 The CLEUD Finding — Full Detail

The single most significant intelligence in this report

Application type	Certificate of Lawfulness for an Existing Use — dwelling
Description	Lawfulness for existing use of building and land as dwelling and domestic curtilage
Submitted	22 March 2007 · Case officer: Nicola Jones · LPA: Denbighshire County Council
Decision due	16 May 2007
OUTCOME	WITHDRAWN 25 June 2007 — five weeks after decision was due
Significance	CLEUDs are withdrawn when evidence is insufficient or refusal is anticipated. The lawful dwelling use was never established.

WHAT THIS MEANS FOR YOUR FILE

- The property cannot be represented as a confirmed dwelling without resolving this. Any marketing materials claiming dwelling status may be misrepresenting the legal position.
- If your client purchases and later seeks to develop, convert or sell, they face the same CLEUD question — with the added difficulty that more time has passed since the original failed attempt.
- The seller's solicitors have a duty to disclose material facts. Whether they are aware of the 2007 CLEUD withdrawal and its implications should be raised in pre-contract enquiries.
- PI position: advising a client to exchange without flagging an unresolved lawful use question of this nature — once identified — carries professional risk. This report provides documented evidence.

3 Title Constraints — Charges Register

What the registered title reveals that standard searches do not

Entry	Date	Nature	Risk	Action Required
C.1	22 Feb 1949	National Trust covenant — no new buildings without NT written consent. No earthworks destroying natural aspect. No quarrying.	HIGH	NT consent required before any development. Not disapplied by planning permission. Engage NT Wales before exchange if development potential is material to price.
C.2	4 Aug 1982	Secretary of State for Wales conveyance — restrictive covenants on the primary development parcel (land tinted pink on filed plan).	UNKNO WN	ORDER THE FILED DOCUMENT. ~£3 from HMLR Wales. Specific restrictions not reproduced in title — referenced by entry only. No strategy possible without it.
C.3	4 Aug 1982	Pink land subject to rights reserved in the 1982 conveyance.	UNKNO WN	Resolved by ordering the same C.2 filed document.

4 Full Postcode Cluster — All 20 Applications

Live extraction from Denbighshire portal — not accessible via standard search tools

Reference	Property	Description	Decision
21/2007/0304	Bryn-Yr-Ardd	CLEUD for existing use as dwelling — WITHDRAWN before decision	WITHDRAWN
15/2004/0138	Armon Cottage	Extension to existing dwelling	—
15/2005/0812	Armon Cottage	Conservatory extension (retrospective)	—
15/2005/1391	Armon Cottage	Retention of conservatory extension	—
15/2005/0673	Bryn Difyr	Cattery building with office/reception and parking	Granted
15/2006/0503	Bryn Difyr	Discharge of conditions re cattery	—
15/2007/0663	Bryn Yr Orsedd	Porch extension in place of conservatory	—
15/2010/0041	Bryn Difyr	Removal of agricultural occupancy condition	—
15/2013/1113	Bryn Yr Orsedd	New agricultural storage building	—
15/2016/1111	Craig Harri	First floor extension and dormer windows	—
15/2016/1148	Bryn Yr Orsedd	Replacement of Velux with dormer on outbuilding	—
15/2016/1194	Bryn Yr Orsedd	Extension to dwelling	—
15/2018/0592	Bryn Yr Orsedd	Dormer windows in ancillary accommodation building	—
15/2022/0330	Cae Harri	Extensions and alterations to dwelling	—
15/2022/1074	Cae Harri	Non-material amendment to approved elevations	—
21/2023/0610	Pentre Cerrig Mawr	Retrospective: guesthouse + 3 holiday lets (C6) + staff caravan	GRANTED

5 Recommended Pre-Exchange Actions

Ranked by urgency — to be completed before contracts are exchanged

#	Action	When	Detail
1	Raise CLEUD position in pre-contract enquiries	BEFORE EXCHANGE	Ask seller's solicitors for evidence that dwelling use of the target property is

#	Action	When	Detail
			lawfully established. A withdrawn 2007 CLEUD application is not that evidence. Burden of proof on seller.
2	Order filed 1982 SoS conveyance document	IMMEDIATE — ~£3	Order from HMLR Wales, title WA936669, Charges Register entry C.2. Reveals restrictions on primary development land. No strategy viable without it.
3	Advise client on the 1949 NT covenant	BEFORE EXCHANGE	If development potential is material to price, client must understand NT consent is a separate requirement from planning permission. No structure can be built without it.
4	Confirm ownership of target property	BEFORE EXCHANGE	Bryn yr Ardd not found in a separate registered title at HMLR Wales. May be unregistered. Index map search (~£3–10) confirms registration status before any approach to seller.

NOTE

Honest assessment — is this transaction viable?

The constraints identified do not make this acquisition unviable. They make it a transaction requiring proper due diligence before exchange. The NT covenant is navigable — NT consent is obtainable. The 1982 restrictions are currently unknown but may be minor. The CLEUD position is the most significant issue and must be addressed directly with the seller. A buyer who proceeds with full knowledge of these constraints, properly priced into the acquisition, is in a fundamentally different position from one who discovers them after completion. This report provides that knowledge.

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What we check that CON29 cannot: Withdrawn applications · Pre-merger district data · Enforcement history · Land Registry title constraints · Unresolved lawful use positions

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