



Leases: lease plans

In this section

- LRR 2003 means the Land Registration Rules 2003.
- Prescribed clauses lease means a lease as defined in r.58A LRR 2003.

Background

More requisitions are sent by Land Registry in respect of lease plans than for any other matter relating to leasehold registrations. The aim of this module is to highlight the most common problems that arise with lease plans and suggest ways to overcome them.

Is a plan required?

In some cases a plan is mandatory; in others voluntary. First registration - rule 24 LRR 2003 requires that an application for first registration must be accompanied by "sufficient details, by plan or otherwise, so that the land can be identified clearly on the Ordnance Survey map".

Dealings with part of a registered title - rule 213 LRR 2003 requires that "a document lodged at Land Registry dealing with part of the land in a registered title must have attached to it a plan identifying clearly the land dealt with". However, if the land leased can be identified clearly on the landlord's registered title plan, a verbal reference to that plan is acceptable (r.213(4)). This would apply where the land being leased is already clearly referenced on the landlord's title plan.

Where an approved estate plan exists, any plan used in the lease must be based on the current approved version. A verbal description referring to only plot numbers on an estate plan or to a postal address is not acceptable.

If a plan is used it must be signed by the landlord (r.213(2)), and it must be of sufficient quality to enable the correct extent of the land to be identified.

Where the use of a plan is not mandatory, any verbal description must be precise enough to enable Land Registry to identify on the Ordnance Survey map the precise extent of the land being registered.

With a prescribed clauses lease the plan should either be referred to in clause LR4 as part of the full description of the land being leased or the clause should refer to the paragraph or schedule in the body of the lease that contains reference to the plan.

Land Registry requirements

Land Registry requirements for plans are set out in detail in Land Registry Practice Guide 40 - *Land Registry plans*, which can be downloaded from the Land Registry web site or obtained free of charge from any Land Registry office.

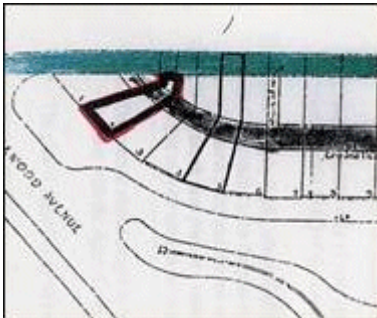
The following is a summary of the main requirements

- The plan must be drawn true to an appropriate scale (metric only), have its actual scale shown and show its orientation.
- Any dimensions shown must be in metric units only, to two decimal places.
- The plan must show sufficient detail to enable the land in the lease (including any garage, bin store or garden ground) to be identified on the Ordnance Survey map and, where appropriate, the landlord's title plan.

- The property must be clearly identified by suitable colouring, edging or hatching.
- Edgings should not be so thick as to obscure any other detail on the plan.
- Different floor levels must be identified both on the plan as well as in the verbal description in the lease.
- Disclaimer clauses or notes that the plan is not to scale or is for identification purposes only must not be used; applications based on such plans may be rejected
- Colour references on the plan must match the text of the deed.

Leases: lease plans - typical quality problems

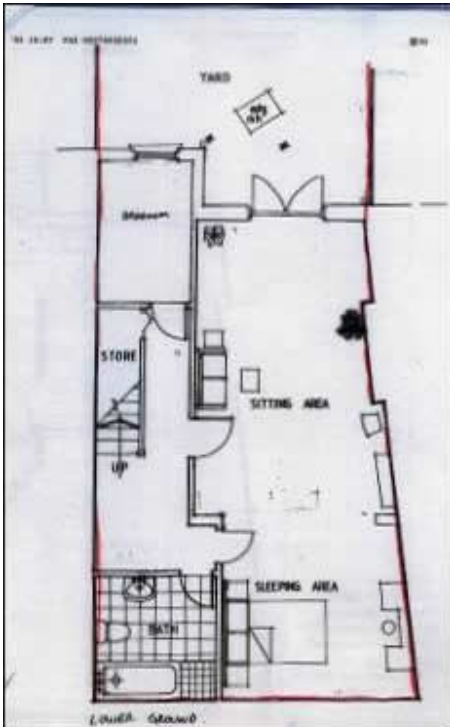
Example 1



This plan is a black and white photo copy that has been re-coloured. The thick edging extends over and obliterates the detail of the boundary.

The precise width of the roadway at the back of the property cannot be identified and consequently the exact length of the back garden ground is uncertain.

Example 2

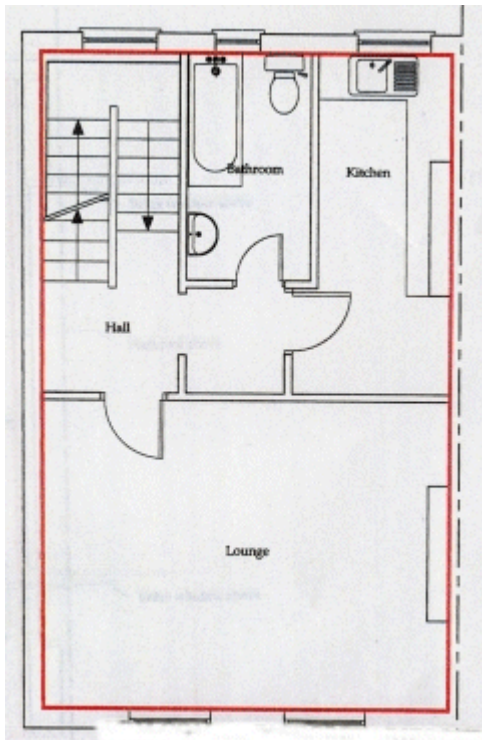


This is another old plan that has been re-used. It contains a wide range of detail relating to the interior layout of the building, but is not acceptable for registration purposes. There is no stated scale, there is no north point and the precise extent of the yard at the back is not defined.

Comparison with the Ordnance Survey map (below) brings the added problem of whether the passageway running along the back of the adjoining property also affects this property.



Example 3



This plan shows intricate detail of the internal dividing walls of the building, but little or no detail of the external boundaries or their relationship to the detail shown on the Ordnance Survey map.

Other problems include:

- no scale
- no North point

To solve these problems:

- include a location plan
- show the floor levels
- include a scale.

The inclusion of these elements would quickly transform this into an acceptable plan for registration purposes.

Example 4

SCALE: 1:50 @ A3	DATE: 01-04-04
DWG No.:-	DRAWN BY:

When a plan that was originally drawn to scale is photocopied, it will often lose its scale accuracy, particularly when it has been reduced in size from A3 to A4.

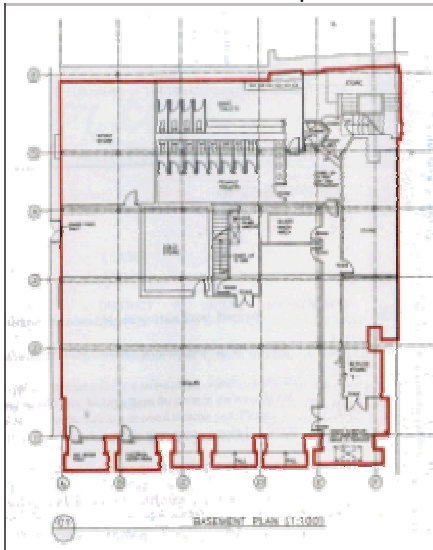
The scale box shown opposite refers to the scale as "1:50 @ A3". This is not acceptable as to use such a scale would require a mathematical calculation based on the relative size of A3 and A4 paper.

The use of a bar scale that reduces in proportion when copied overcomes this problem.

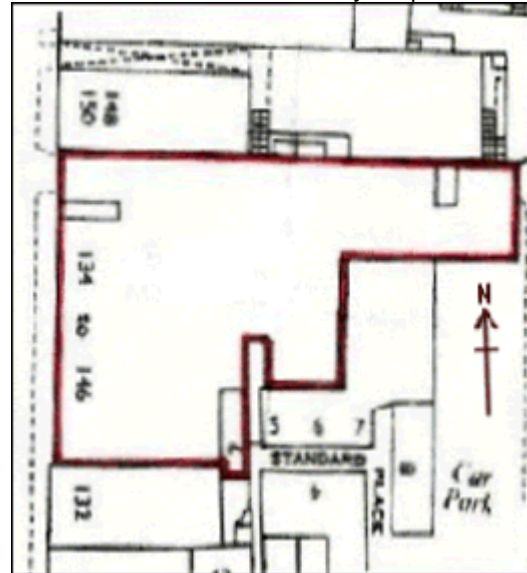
Example 5

Often a plan is well drawn and to a recognised scale (1:100 in this case), but because it lacks detail of the surrounding property or any North point it is very difficult to relate it to the Ordnance Survey map. The following two plans illustrate this problem:

Lease plan



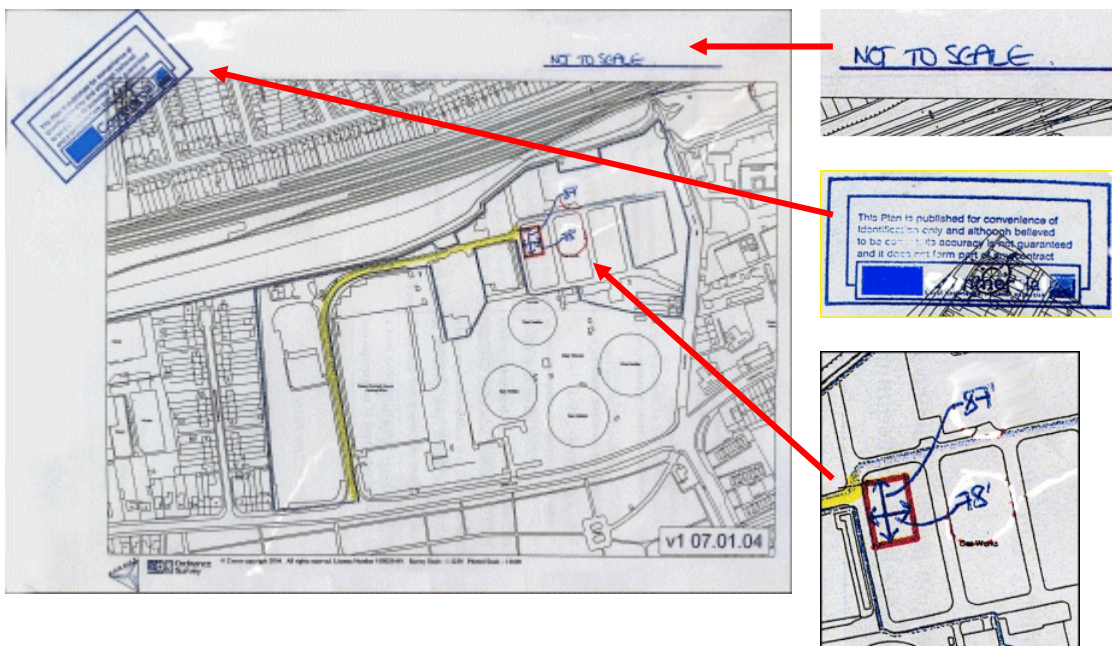
Ordnance Survey map



Example 6

Using a plan based on the Ordnance Survey map makes it much easier to relate the land leased to the Land Registry mapping system. However, things can still go wrong. Here are three common problem areas.

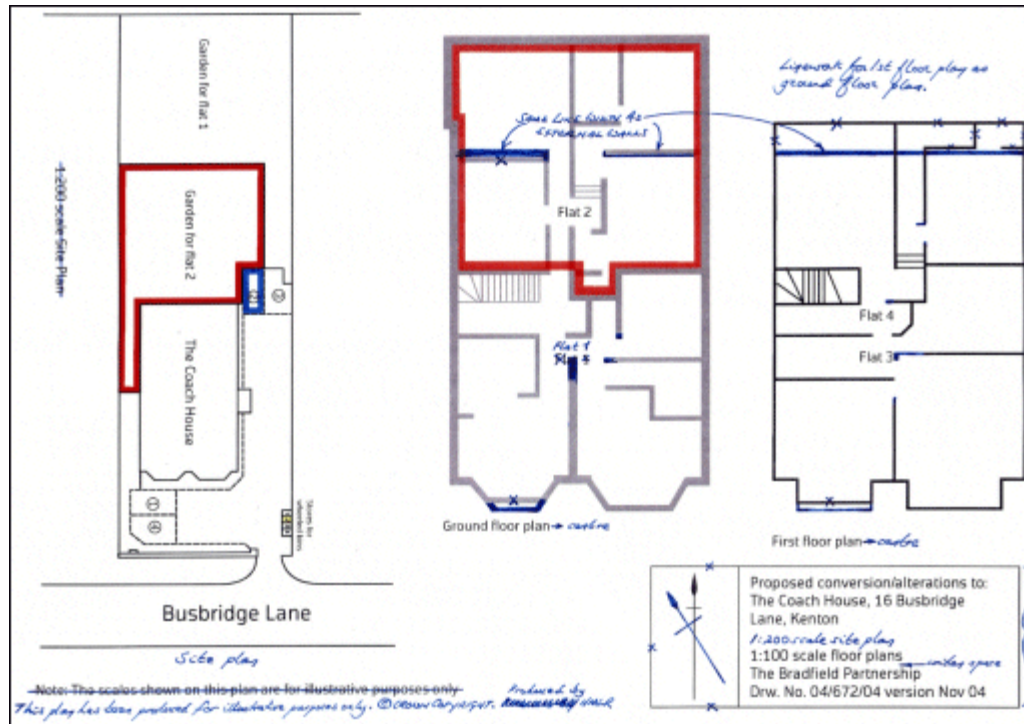
The plan shown below had a note added saying that it is now not to scale, and a disclaimer as to its overall accuracy. The dimensions used on the plan are unclear and not in metric form.



Acceptable plans

Example A

The plan shown below includes all the elements required for registration purposes.



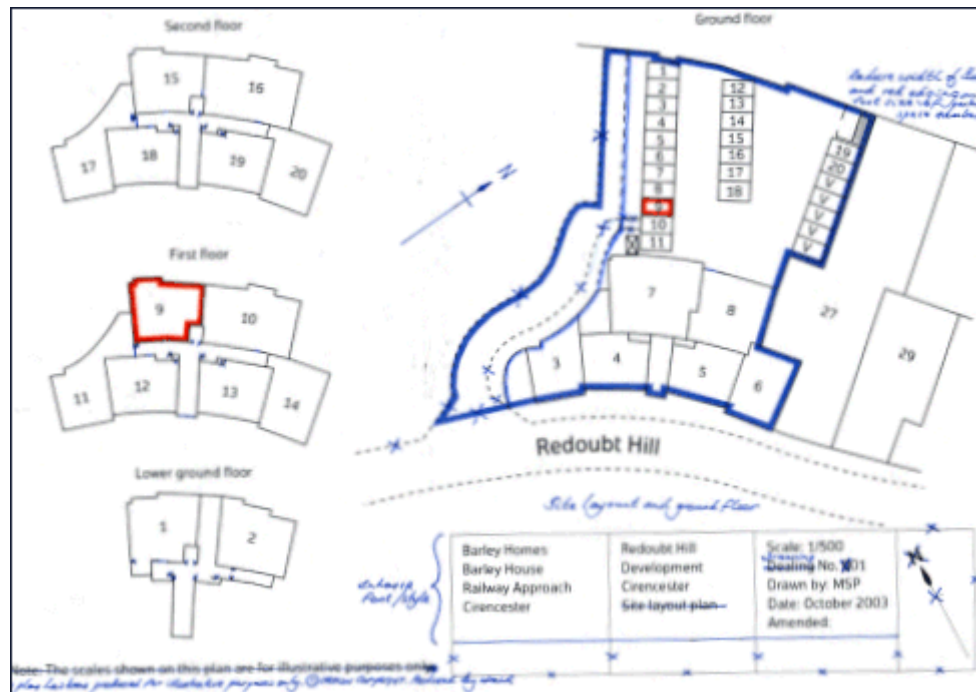
The plan includes:

- a site plan showing detail in relation to the Ordnance Survey map
- plans of each floor level
- a recognised scale for both the site plan and the floor level plans
- a North point
- clear edging showing the land demised by the lease.

Please note that in this example all of the elements are contained within one plan, but the location plan and the detailed floor level plan can be separate plans.

Acceptable plans cont

Example B



The plan includes:

- a plan showing the location of the land in relation to the surrounding detail
- floor level plans
- a recognised scale
- a North point
- clear edging to show the extent of the land demised.

Summary

- Is a plan necessary or is it possible to accurately identify the extent of the land from a verbal description.
- Old or outdated plans should not be used.
- Plans must be drawn to a recognised scale (metric only) - if the plan has been reduced in size, an amended scale should be shown.
- Any dimensions shown must be in metric units only, to two decimal places.
- Plans must show sufficient detail to enable the land in the lease to be identified on the Ordnance Survey map.
- Statements of disclaimer must not be used - registrations based on a plan bearing a disclaimer will be rejected.
- Edgings or other colour references should not obscure detail on the plan.
- Colour references on the plan must match the text of the lease.
- Copy plans attached to a copy of a lease must be an identical copy of the original plan.
- With a prescribed clauses lease, reference to the plan should be included in clause LR4.

Further information

Further information on plans can be found in Land Registry Practice Guide *40 - Land Registry plans*, and Practice Guide *41 (Supplement 5) - Detailed plan requirements and surveying specifications*, both of which can be downloaded from Land Registry's website or obtained free of charge from any Land Registry office.