

Exceptions To The Duty To Provide a Home Report

Anyone marketing a home for sale must provide a copy of a Home Report, but there are some exceptions. These are listed below.

New housing - New housing includes homes that may be sold 'off-plan' to the first purchaser or sold to the first occupier. Any subsequent sale of a home will not be exempt even if it has a certificate from, for example, the National House-Building Council (NHBC).

Newly converted premises - This means a property which is being, or has been, converted to a home if it has not previously been used in its converted state.

Right to Buy homes - As the sale of a home to a tenant under the 'Right to Buy' does not involve marketing, the duty to provide a Home Report does not apply. A separate package of information is being developed for Right to Buy purchasers.

Seasonal and holiday accommodation - This exception refers to seasonal and holiday accommodation (as defined in planning legislation), which only has permission to be used for less than 11 months in any year. It does not include second homes or holiday cottages that could be used all year if the owner so chose.

A portfolio of residential properties - This means a home which is to be sold with one or more other homes and where it is clear from the manner in which the homes are marketed that the seller does not intend to accept an offer to buy one of those homes in isolation from another. Sales of a portfolio of residential properties are considered to be commercial transactions. This exception does not apply to homes that are ancillary to a principal property. A home which is ancillary to a principal property may include, for example a 'granny flat', or butler's cottage that is attached to a larger property on a country estate.

'Mixed sales' - This occurs where a home is sold with one or more non-residential properties (provided it is clear that the seller does not intend to consider an offer to buy the home separately from the non-residential property). This might include farmhouses that are part of a working farm, or flats above shops or pubs that are sold with the shop or pub.

Dual use of a dwelling house - This describes the situation where the home is, or forms part of, a property most recently used for both residential and non-residential purposes, such as a commercial studio where the owner also lives in the home.

Unsafe properties - Unsafe properties are evidently in a condition that poses a serious risk to the health or safety of occupants or visitors, or where the way the home is marketed suggests it is unsuitable for occupation in that condition. There is little point in a condition survey being undertaken on a

home that is unfit for occupation in any case, and is being advertised as such.

Properties to be demolished - There is an exception for homes to be demolished where it is clear the home is suitable for demolition and all the necessary consents have been obtained for demolition and consents obtained for redevelopment. There is little point in a condition survey being undertaken on a home that is to be demolished and is being advertised as a development site.