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STATUTORY INSTRUMENTS

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**2006 No. 1503**

**The Home Information Pack Regulations 2006**

**PART 5**

**EXCEPTIONS**

**Meaning of “non-residential premises”**

**22.**—(1) In this Part “non-residential premises” includes—

- (a) premises where the most recent use of the premises, is or was primarily non-residential; and
- (b) any dwelling-house where it is clear from the manner in which it is marketed that it is due to be converted for primarily non-residential use by the time its sale is completed, and all the relevant—
  - (i) planning permissions; and
  - (ii) listed building consents,exist in relation to the conversion.

(2) For the purposes of this Part, where a question arises as to whether premises are—

- (a) non-residential premises; or
- (b) residential property by virtue of being ancillary land<sup>(1)</sup>,

the premises may be treated as non-residential premises if the conditions in paragraph (3) are met.

(3) The conditions referred to in paragraph (2) are that—

- (a) the total area of the land is 5 hectares or more; and
- (b) the most recent use of the land is or was primarily for one or more of the following purposes—
  - (i) horticulture or cultivation;
  - (ii) the breeding or keeping of animals or livestock; or
  - (iii) the use of land as grazing land or woodlands.

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<sup>(1)</sup> Under section 148(1) of the 2004 Act, “residential property” consists of a single dwelling-house, including any ancillary land. “Ancillary land” is defined in section 177(1) as meaning in relation to a dwelling-house or a sub-divided building “any land intended to be occupied and enjoyed together with that dwelling-house or building”.