



FAQs for Neighbour Disputes

A guide by PCB Solicitors

Our legal team have answered some of the questions frequently asked relating to the following common neighbour disputes

Q1. How do I find out where the boundary line is between my property and my neighbours property?

The Title Deeds to your property will usually have a plan of your property that indicate the boundary lines. Unfortunately, the Title Deeds may not assist in determining the exact location of the boundary line. If this is the case and you are in a dispute with your neighbour as to where the exact boundary line is then you may need to consult a solicitor. Your solicitor will gather evidence such as:

- Information held by you or previous owners
- Information held by your neighbours or the previous owners
- Old conveyances
- Previous planning applications
- Photographic evidence
- Evidence as to how long a boundary structure such as a hedge, fence or wall has been in existence

Q2. Do I need to instruct an expert to determine the boundary?

If you are unable to reach an agreement with your neighbour on the basis of the information you each hold, then it may be necessary to instruct a surveyor to advise. The surveyor can examine features on the ground together with the such information as is available. The surveyor might be appointed by one party to advise him/her, or could be appointed by both neighbours jointly. If you reach an agreement then you can record this agreement at the Land Registry or ask the Land Registry to determine the boundary line based on the advice of the surveyor. If you do not reach an agreement then you (or your neighbour) may decide to commence court proceedings and ask the court for the following remedies:

- a declaration as to where the boundary line is;
- compensation for any trespass or damage by your neighbour
- an injunction, for example, requiring your neighbour to remove a fence they have erected within your boundary line.

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Q3. Who owns the boundary?

There are no hard and fast rules as to which neighbour owns a particular boundary structure (e.g. a fence, wall or hedge). Your Deeds may contain wording where one owner covenants (promises) to maintain a wall or fence but such promises do not necessarily mean that the owner concerned owns the wall or fence.

Your deeds may contain information as to who owns a particular boundary, this is usually not the case however, or the situation may have changed since the deeds were written. So regardless of any information in the title register or in any Deeds, it is usually best to communicate with your neighbour before doing anything to any structures or features between your properties.

Q4. I want to build an extension on my house. Do I need to apply for planning permission?

Your local council's planning department should be able to advise you about any necessary planning permissions needed. You should find this out before you start building. Certain types of extensions do not require planning permission, this can be dependent on the size of the extension and where you want to build it. For more information on this, you should contact your local council.

Q5. My Neighbours' tree branches are overhanging into my garden, can I cut them down?

You may be able to cut the branches back to the boundary line of your property, but it may be best to ask your neighbour for permission before doing so, as they may wish to do this themselves which would reduce the potential for a dispute. If you do cut the branches back yourself, you must:

- Ensure that the tree is not subject to a tree preservation order
- Be careful in determining where the boundary line is
- Give the owner any branches and/or fruit removed or dispose of them with the owners consent

Q6. I need access onto my neighbours' property to repair my fence, but my neighbour wont let me. What can I do?

The Title Deeds to your property usually give you permission to access your neighbours' land to be able to carry out repairs. If there is no mention of this in the Title Deeds, you will probably need to get your neighbours' permission to access their land. If your neighbour does not give you permission then there may be implied rights to access, which your solicitor can advise you about or you may be able to take your neighbour to court to get an access order to enable you to go onto your neighbours' property for the purpose of repairing your own.

Q7. I want to carry out some structural work to my property which is located on the boundary line of my neighbours' property. Does my neighbour have to agree to this?

In this situation a certain procedure must be followed. This is set out in a piece of legislation called The Party Wall Act etc. 1996. If you don't follow this when conducting the work, you could be fined or your neighbour may even be able to take legal action against you which would be costly. If you think that The Party Wall Act etc. 1996 applies to you, please contact us for more detailed information.

Q8. My Neighbours' are very noisy and are causing a disturbance, what can I do?

You should consider speaking to your neighbour calmly and politely ask them to stop the noise. If your neighbours' are tenants, you could contact their Landlord and complain about the level of noise, but if they are not tenants and asking them does not resolve the situation, you can then:

- Consult with a solicitor who may be able to write to your neighbour and if necessary help you take your neighbour to court to obtain an injunction to stop making the noise.
- Report the problem to the Environmental Health Department at your local Council who have the power in certain circumstances to take action against your neighbour.

If you have a neighbour dispute, get in touch with our Dispute Resolution team on 01743 248148 or contact us through our website.

Note: the above information is given as a general guide only. Individual cases will depend on their individual facts and circumstances. We recommend that you take advice before deciding to take any particular course of action.



PCB Solicitors LLP is a modern partnership, with offices in Shrewsbury, Church Stretton, Knighton, Ludlow, and Telford. The firm's expert team is on hand to advise on all areas of employment law, from advice and guidance on the recruitment process and the drafting of contracts, policies and handbooks to the development of settlement agreements and advice on the enforceability of termination clauses. For further information about PCB Solicitors' complete range of legal services, please contact the Shrewsbury Head office on 01743 248148 or visit the website www.pcblaw.co.uk.