



A clear, impartial guide to

# Boundary disputes

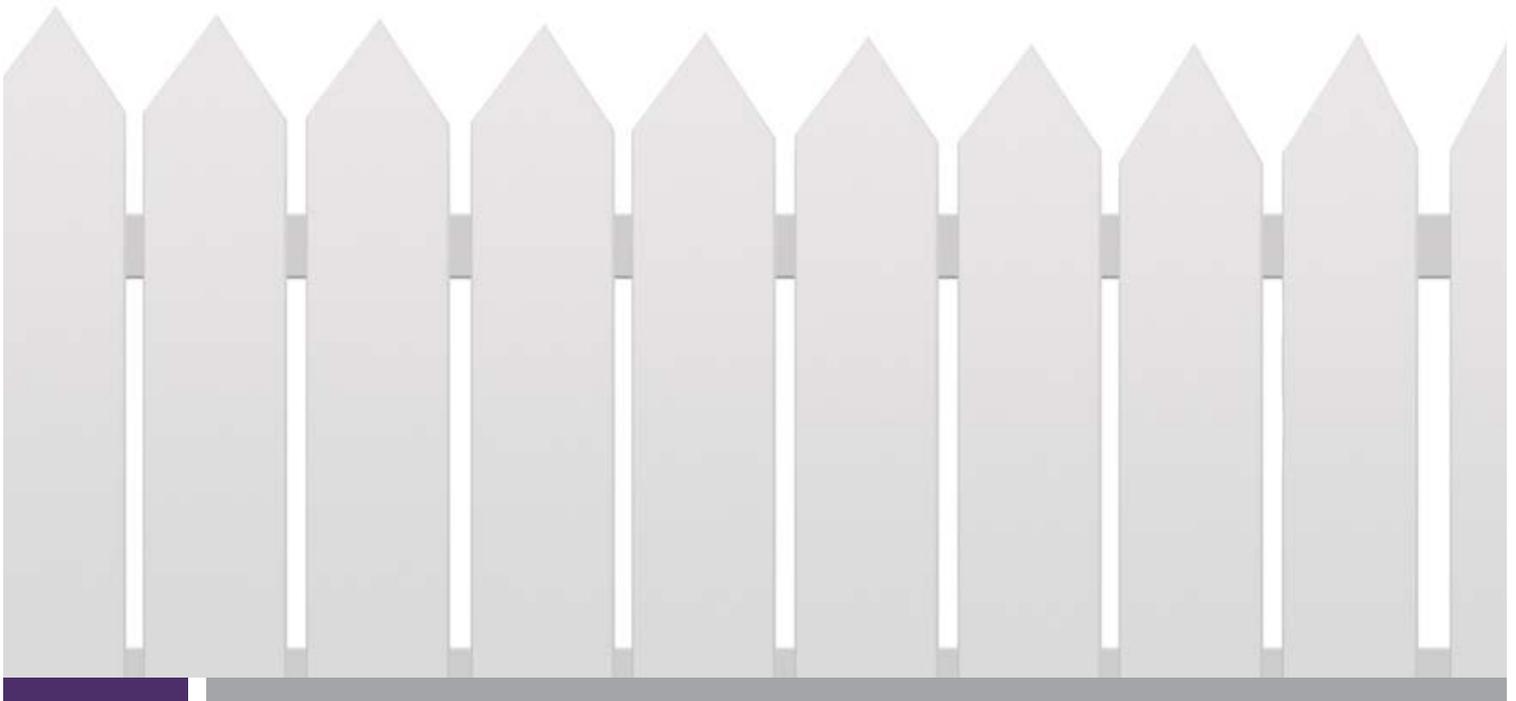


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## Moving in

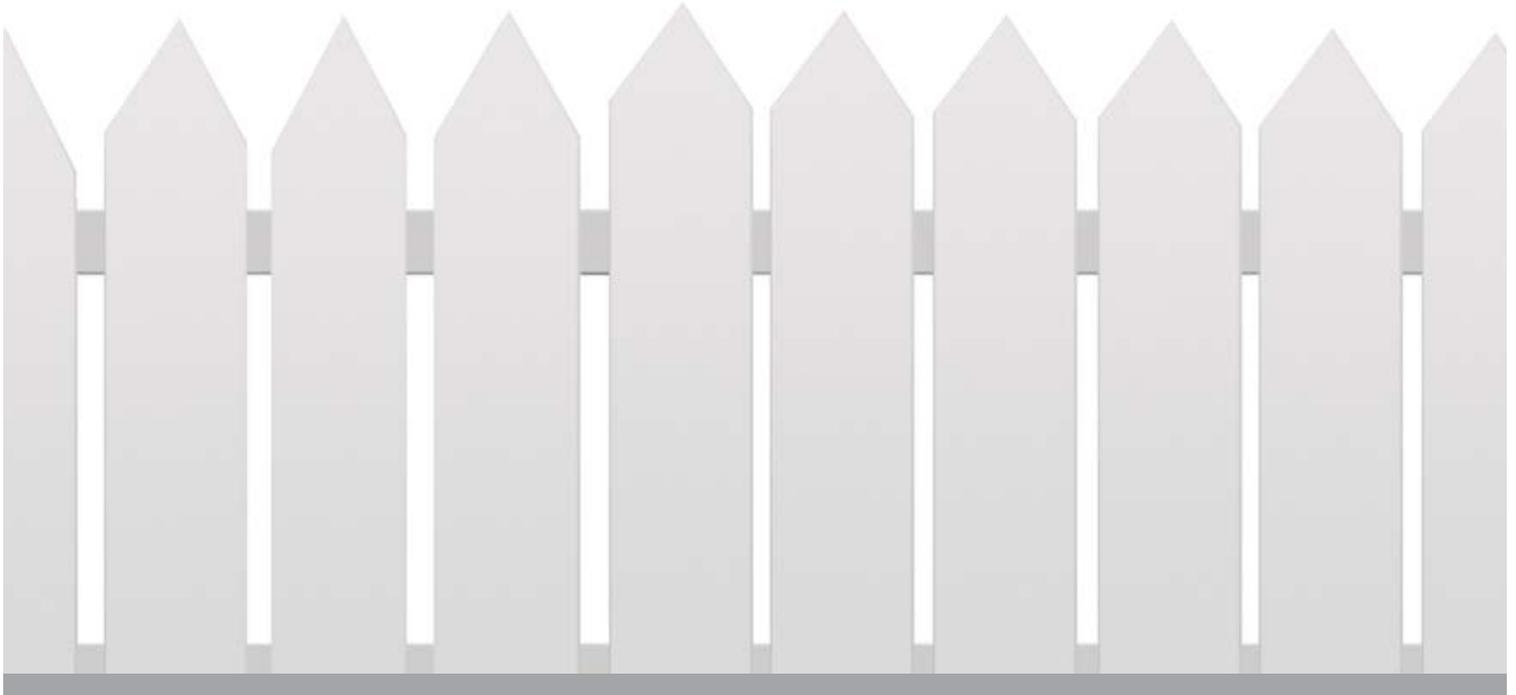
When you move into your house, establishing the exact position of your boundaries is not high on your list of priorities. During the conveyancing process your solicitor should identify any boundary problems but there are three simple steps you can take to avoid any problems.

### Ask your solicitor for an Official Copy of the Land Registry title plan.

This shows the general boundaries of your property. It is based on large scale Ordnance Survey mapping so it will be generalised to some degree and does not show the exact legal extent of your property. For instance it may not show small juts in the boundary or bay windows.

Compare this plan to your property. If you can do this before exchange of contracts you can ask the seller to clarify any differences.

Talk to your new neighbours at an early stage to identify the position of, and responsibility for maintaining, the boundaries.



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# Living with your boundaries

Most properties have defined boundaries. They might be fences, walls, hedges, edging stones, sides of buildings or even roads and rivers.

It is really important to maintain these boundaries and ensure they don't fall into disrepair. If some or all of your boundaries are not clearly defined it is important to ensure that you and your neighbour understand and agree where the boundary is. It may well save problems in the future if you take steps to erect an appropriate boundary feature.

You should discuss it with your neighbour before starting any work.

Never erect a boundary without your neighbours' knowledge or while they are away.

## Changes to your boundaries

Boundary structures deteriorate at some point. Many boundary disputes start as a result of one homeowner replacing a boundary structure without consulting their neighbour.

This is particularly common where a hedge is replaced with a fence. Always remember that a hedge is a general boundary and the only way to decide where a replacement fence should be positioned is by agreement between the neighbouring homeowners.

Never make any changes to your boundary structures without talking to your neighbour.

Many boundary disputes arise from a homeowner trying to build right up to a boundary. Consult your neighbour before you apply for Planning Permission. Even if they cannot agree to your proposals do try to ensure that you both agree where the boundary is and ensure that your works stay on your own land. The planning authority will not concern itself as to whether you own the land – that is your responsibility.



# Dealing with disputes

## What happens if a boundary disagreement arises?

A minor disagreement can quickly become a full-scale dispute involving solicitors' letters and threats of court action. Ultimately, the cost of protecting your right to land in court could be prohibitive so it pays to think hard before rushing into legal action.

The key to resolving a dispute speedily and successfully is to seek expert advice as soon as possible. In the first instance, this advice can be from either a chartered land surveyor or a chartered surveyor specialising in boundary disputes. Before you ask an expert to work on your behalf, check the following:

- do they specialise in boundary work?
- do they have experience of mapping and land surveys?
- are they skilled at interpreting aerial photographs?
- are they familiar with the latest civil procedure rules and experienced in preparing reports for court?
- do they have experience as an expert witness in court and, if so, how many court appearances have they made in the last year?

A chartered land surveyor will not only survey the land, check deeds and the plans attached to them, but will refer to historical documents and aerial photographs. The red line on the Land

Registry title plan only shows the general boundary and does not define the exact legal boundary. A boundary can change over time for many reasons. These changes are rarely recorded and can lead to disputes.

If you can settle the matter before going to court, or if the court defines a boundary line and writes an order, the chartered land surveyor will mark out your boundary line. They may supervise any fencing or building contractors to make sure there are no further arguments. Ensure they prepare a new plan, to the required specification, showing the agreed boundary line for submission to the Land Registry as a Boundary Agreement.

Call the RICS Boundary dispute helpline on **02476 868 555**. The helpline will put you in touch with an experienced local RICS member who will provide you with up to 30 minutes of free advice.

## RICS Neighbour Dispute Service

t: **020 7334 3806**

f: **020 7334 3802**

e: **drs@rics.org**

The RICS Dispute Resolution Service (DRS) provides access to a specialist panel of expert RICS members with experience of resolving neighbourly boundary disputes. This can involve expert determination of the boundary and mediation of a dispute. Therefore, you do have an alternative to formal litigation if any doubt or uncertainty exists between parties on the correct boundary line.

