



# Reinstating your boundary after extreme weather damage

A clear, impartial guide

[rics.org/consumerguides](https://rics.org/consumerguides)





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# Introduction

This guide tells you what steps to take to reinstate a boundary following an extreme weather event such as fire, flood or storm damage, and where you can go for advice.

Extreme weather events are becoming more regular due to global climate change and society will need to adapt accordingly. Fire, floods and storm damage do not respect human-made boundaries; natural disasters can easily destroy established fences and boundary features.

Post-disaster event repairs and damage assessments can often highlight the difficulties of reinstating the line of the legal boundary. Establishing the boundary line of your property ownership is one of the first steps of making a property a home again.

When returning to a property after a major environmental event such as fire, flooding or a storm the area will look and feel very different. This sense of change will affect not only you but also your neighbours, making the task of reinstating shared legal boundaries difficult. The key to a swift return to normality will be communication and trust between neighbours.

Do not make assumptions about the boundary line when you return to the property without talking with your neighbour. Domestic boundary disputes can be emotionally intense and after damage created by an extreme weather event, the use and sensible assistance of an expert surveyor can help avoid disputes. This will help all neighbours to get back to normal relationships even when communication may be strained.



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If you live in an area that has experienced extreme weather events, it is important to maintain boundaries and ensure they do not 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. An expert chartered surveyor will mark out the line on a plan to the required specification. This will be submitted to HM Land Registry as a formal boundary agreement. The surveyor may also supervise any physical boundary structure that is put in place, or any work carried out by building contractors, to make sure there are no further disagreements.



# Establishing your boundary

- Before you seek to reinstate any boundary that has lost historic demarcation due to an extreme weather event, speak with your neighbour, if possible.
- If this is not immediately possible, record fully what you have done to temporarily reinstate the boundary line. Bear in mind that your neighbour may have evidence or information that could cast doubt on your initial assumptions on the correct boundary line.
- Accept that things are going to look and feel different on your return. Therefore, try and be flexible and open minded when communicating with your neighbour.
- Seek to reach an agreement with your neighbour on the boundary line and, if this is not possible, try and agree with them on engaging an expert chartered surveyor. An expert chartered surveyor will survey the site, check the deeds and plans attached to them and also refer to historical documents and aerial photographs. If you can settle your dispute through mediation rather than going to court, or if the court defines a boundary and writes an order, the surveyor will mark out the line on a plan to the required specification. This will be submitted to HM Land Registry as a formal boundary agreement. The surveyor may also supervise any physical boundary structure that is put in place or any work carried out by building contractors to make sure there are no further disagreements.
- Avoid relying on memory for identifying exact boundary demarcation on a site. Instead, look for photographs taken before the damage of the boundary, an expert

chartered surveyor will be able to advise on appropriate historic documentation.

There are also other sources of geographic information such as:

- Land Registry (LR) Title Plans
- Ordnance Survey (OS) maps are a geographical indication of the position of physical features that existed at the date of survey. In most instances, the knowledge that the boundary was a defined feature on the ground (or not) will be all that the property owners need as evidence of that feature will likely be found after the weather event. Ordnance Survey mapping data and imagery can be accessed on the [Ordnance Survey website](#).
- Even when you and your neighbours are in full agreement as to the position of the boundary, it is important to mark that boundary on the ground when possible. Rebuilding the permanent boundary is the ideal solution but if that is some way off, marking the boundary line with temporary markers such as wooden stakes, etc. is a good alternative. Many boundary disputes originate from unmarked boundaries and agreement may not always be so easily achieved with new neighbours. If you have used temporary markers, ensure that your fencing contractors use those markers when the time comes to reinstate the boundary.

Boundaries come in a wide variety of styles – from low line picket fences to complex and engineered designed retaining walls. Some boundaries include buildings that are part of the main structure or outbuildings to the main property. In a terrace line or small cluster of properties there may be a multitude of differing boundary styles. All are capable of being damaged in an extreme weather event and while many will be simple repairs, others may require a small-scale construction project to rectify any damage.

# Cross-boundary repair and reinstatement

Once you have re-established the legal boundary of your property, it is possible that access to or from your neighbour's land may be needed. Access for minor works should be within the scope of good neighbours to arrange without complex agreements. Having a simple document exchange of agreement can facilitate future property transactions when boundaries are reported on surveyors and solicitors as part of a future sale. It is therefore in both neighbours' long-term interests to ensure that the status of the boundary is documented as being reinstated with agreement from all parties.

However, it is possible in severe cases of damage that properties may need major repair, requiring disruptive access onto the neighbour's land. Disruptive building works, temporary shoring for structural safety and scaffolding that might be needed across the legal boundary is common with major fire and storm damage. This type of cross-boundary construction works access should be recorded in an access licence, which will document the duration of the consent, safety checks and inspections, insurance for operatives working outside the construction site boundary and the risk of further damage to your own property.

Depending on the position and amount of repair work, you may need a chartered surveyor to help with notices under the [Party Wall etc. Act 1996](#) or drafting an access licence for repair if the work is more general in nature.



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While it is hoped and encouraged that most parties will reach agreement without dispute, both domestic and commercial property may have a legal right of access to repair under the [Access to Neighbouring Land Act 1992](#), if the repair is necessary for the basic preservation of a property after a reasonable request has been refused.

This access right requires an application to the County Court for an access order. If this is required due to an unreasonable or absent party, an expert chartered surveyor can provide the necessary report needed for court purposes, confirming the need for repair and the extent of access required by the court order.

Your chartered surveyor will be able to prepare a report known as a schedule of condition, which will be a technical record of the property at the time of the inspection. This will comprise a factual statement in text, photographic and maybe a simple sketch to assist with review at a future date. Once prepared, the schedule can turn into an evolution document converting into a schedule of repairs and reinstatement. Once the works have been priced by a contractor, the document evolves into to the schedule of works.





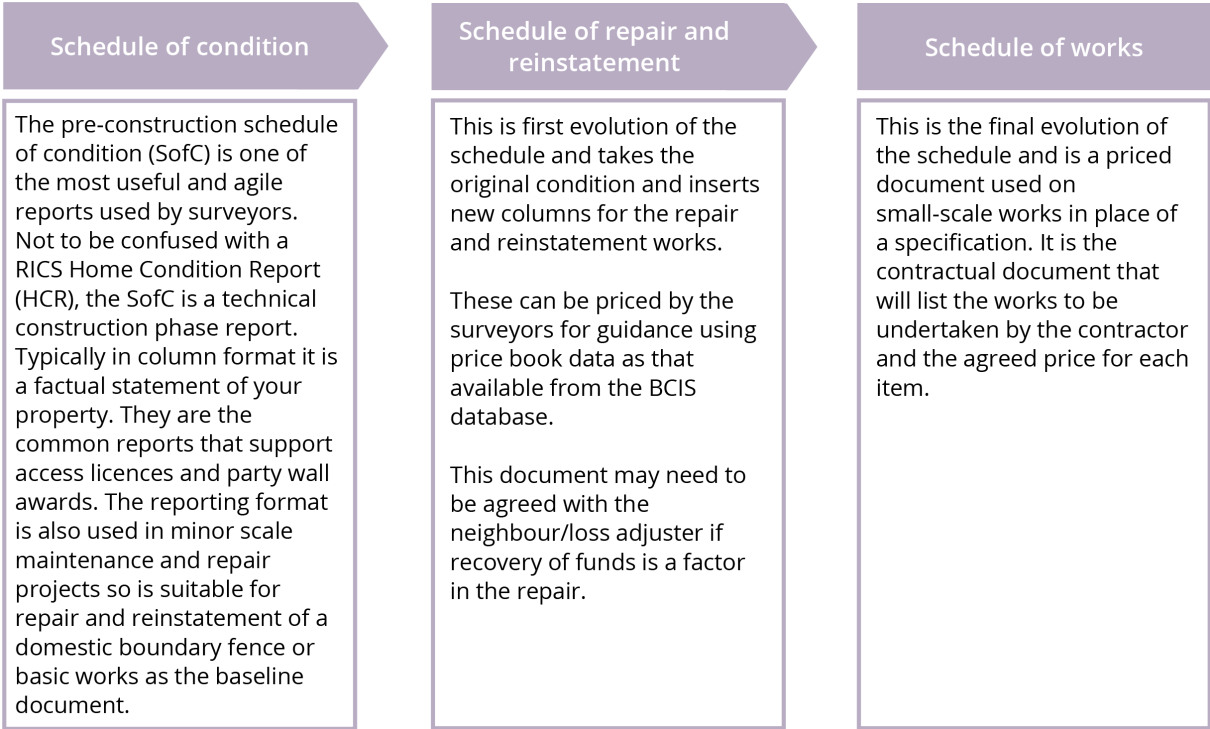


Figure 1: Evolution of a schedule across the lifespan of a reinstatement project

If you have any concerns, consult a chartered surveyor. Contact RICS for details of a local chartered surveyor offering specialist advice on extreme weather event repairs such as boundary reinstatement after fire, flood or storm damage.

# How an RICS member can help

As the world's largest professional body for chartered surveyors, RICS offers clear, impartial, expert advice on the issues raised in this guide.

RICS members can help property owners in a variety of ways, so whether you want expert advice and a professional assessment of your issue, an opinion on costs, representation, or a professional to manage a project for you, visit [Find a Surveyor](#) to find an RICS member in your area.

Using the services of RICS members offers confidence because:

- they give you clear, impartial and expert advice
- they are regulated and have strict rules of conduct to protect you, as well as holding appropriate professional indemnity insurance
- they have to update their skills and knowledge throughout their careers, so you can rely on their expertise and
- you are further protected by RICS' complaints service and access to independent redress.

Surveying firms that are regulated by RICS are easy to spot as they use 'Regulated by RICS' on their stationery and promotional material.

[Contact us](#) if you want to find independent, impartial advice from a qualified professional with good local knowledge.

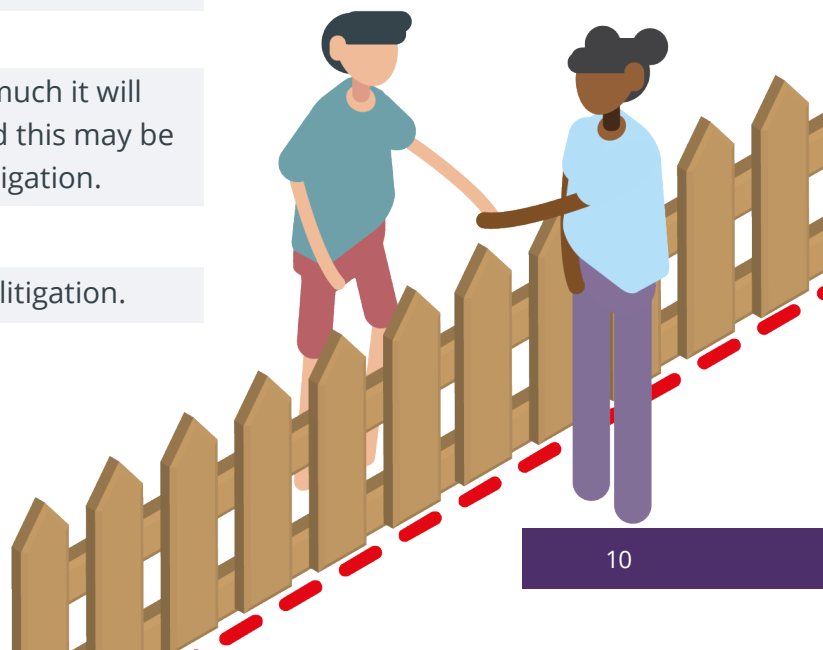


# RICS Boundary Disputes Mediation Service

The Boundary Disputes Mediation Service (BDMS) has been established by RICS and the Property Litigation Association, with support from the Civil Justice Council, to help neighbours resolve disputes about boundary lines and related issues.

[BDMS](#) provides a quicker, cheaper and more informal approach than litigation, while helping neighbours to deal with issues at the heart of their dispute in a positive and proactive way. Mediation allows the parties to take responsibility for dealing with their dispute and helps achieve an outcome satisfactory to all. The mediation process has several advantages.

- 1 Control:** parties can make informed decisions, and they ultimately decide the outcome that best suits their circumstances or priorities.
- 2 Flexible:** timetables can be adapted to meet the specific priorities of the parties.
- 3 Cost-effective:** parties know how much it will cost at the start of the process, and this may be significantly less than the cost of litigation.
- 4 Speed:** the process is quicker than litigation.



# Find a Surveyor

[Contact us](#) if you want to find independent, impartial advice from a qualified professional with good local knowledge.

## Consumer helplines

[Contact one of our regulated firms](#) for a 30-minute initial consultation.

Surveying firms that are regulated by RICS are easy to spot as they use 'Regulated by RICS' on their stationery and promotional material.

## Visit our website

[Visit the RICS website](#) for more information on boundary disputes.





# Useful links

[Citizens Advice](#) – Advice on boundaries and neighbour disputes

[Environment Agency](#) – Check for flood warnings, river levels and flood risk maps

[HM Land Registry](#) – Information on boundaries, title plans and property registration

[Met Office](#) – Weather forecasts and weather warnings in your area

[Ordnance Survey](#) – UK national mapping agency



# Free RICS guides

RICS has a range of free guides available for the following property issues:

## Development issues

- Compulsory purchase
- Home extensions

## Home hazards

- Fire safety
- Dilapidations
- Flooding
- Subsidence

## Neighbour issues

- Boundary disputes
- Party walls
- Right to light

## Residential

- Buying a home
- Buying and selling art and antiques at auction
- Home surveys
- Letting a property
- Property auctions
- Renting a property
- Selling a home

Visit [our consumer guides website](#) or the [RICS website](#).



## Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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