



A clear, impartial guide to

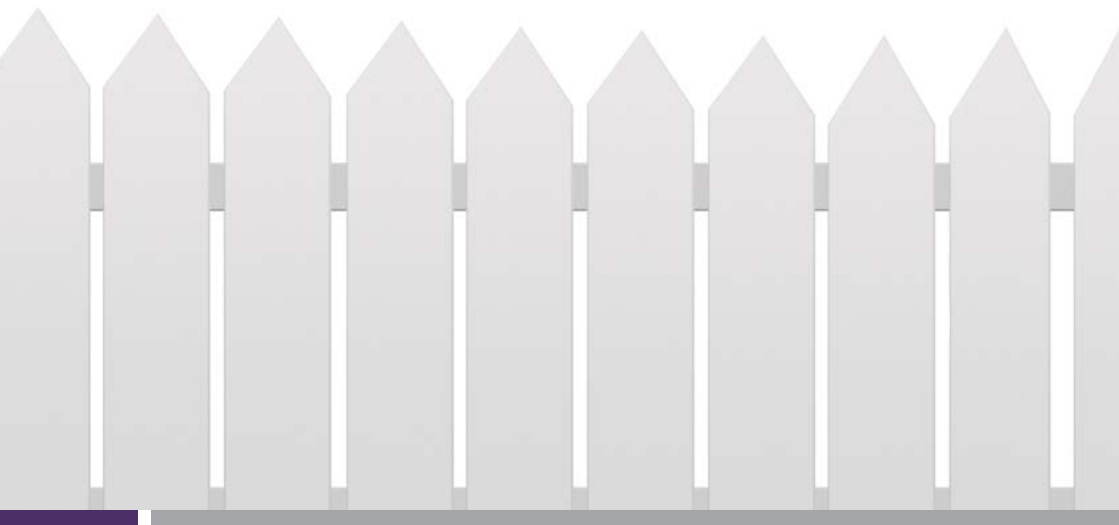
Boundary disputes



rics.org/consumerguides

Contents

Moving in	3
Living with your boundaries.....	4
Changes to your boundaries.....	4
Dealing with disputes.....	5
Free RICS guides	6
Further information.....	7
Find a Surveyor	7



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.

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.



Free RICS guides

RICS has a range of free guides available for the property issues listed here.

Development issues

Compulsory purchase
Home extensions

Home hazards

Dilapidations
Flooding
Japanese knotweed
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

Further information

We hope this guide is useful to you. If you'd like to know more about boundary disputes, or how RICS can help, please contact us.

Visit our website

www.ricsfirms.com/residential/legal-issues/boundaries/

RICS Helpline Scheme

Need further advice on Boundary Disputes, Business Rates, Party Walls or Compulsory Purchase matters? Contact one of our regulated member firms for a 30 minute initial consultation. Visit www.ricsfirms.com/helplines

Find a Surveyor

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

Look out for firms that are 'Regulated by RICS'. Estate agents and surveying firms that are regulated by RICS are easy to spot as they use 'Regulated by RICS' on their stationery and promotional material.

To find an RICS firm in your area visit

www.ricsfirms.com



SIMON LEVY ASSOCIATES

CHARTERED BUILDING SURVEYORS



Chartered Building Surveyors in Greater London & the South East

Welcome to SIMON LEVY ASSOCIATES. We are an independent firm of chartered Building Surveyors, based in Borehamwood, Hertfordshire. We have wide ranging experience in matters relating to both residential and commercial property and cover a large geographical area including Greater London, surrounding Home Counties and the South East.

Our surveying services include: Party walls, boundaries, expert witness, construction, building surveys & defects, dilapidations, subsidence & development.

www.simonlevy.net | Tel: 020 8207 6100 | Email: info@simonlevy.net



Confidence through professional standards

RICS promotes and enforces the highest professional qualifications and standards in the valuation, development and management of land, real estate, construction and infrastructure. Our name promises the consistent delivery of standards – bringing confidence to markets and effecting positive change in the built and natural environments.

Americas

Latin America

ricsamericalatina@rics.org

North America

ricsamericas@rics.org

Asia Pacific

Australasia

australasia@rics.org

Greater China (Hong Kong)

ricshk@rics.org

Greater China (Shanghai)

ricschina@rics.org

Japan

ricsjapan@rics.org

South Asia

ricsindia@rics.org

Southeast Asia

sea@rics.org

EMEA

Africa

ricsafrica@rics.org

Europe

ricseurope@rics.org

Ireland

ricsireland@rics.org

Middle East

ricsmiddleeast@rics.org

United Kingdom RICS HQ

contactrics@rics.org