



A clear, impartial guide to

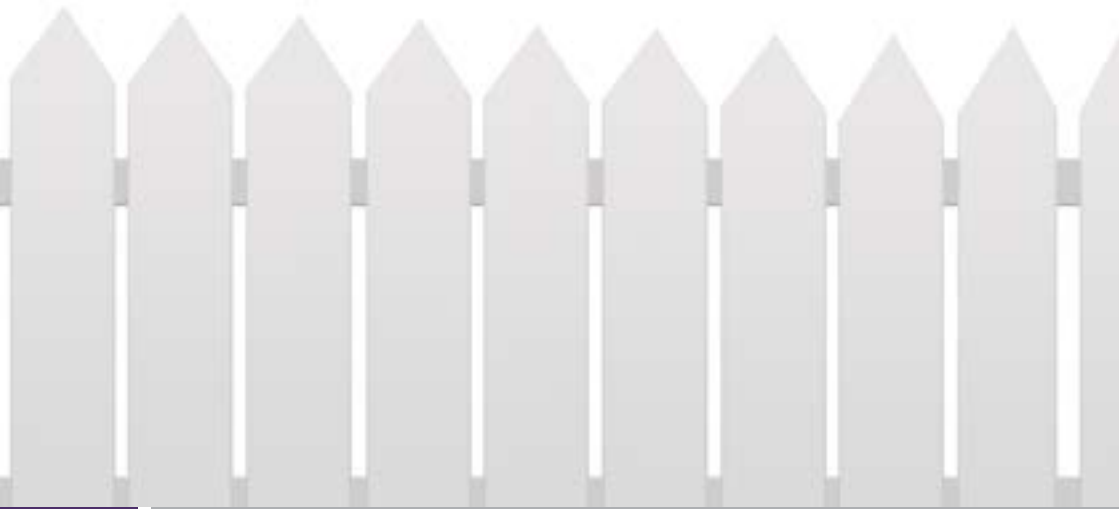
Boundary disputes



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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.

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

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

alternatively email

contactrics@rics.org or call the RICS Contact Centre **02476 868 555**

Consumer helplines

RICS offers telephone helplines giving you 30 minutes of free advice on:

- Boundary disputes
- Party walls
- Compulsory purchase.

Just call **02476 868 555** and you will be put in touch with an RICS member local to you, willing to provide a free 30 minute initial consultation. Lines are open

0830 –1730 [GMT], Monday to Friday.

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

alternatively email

contactrics@rics.org or call the RICS Contact Centre **02476 868 555**



Advancing standards in land, property and construction.

RICS is the **world's leading qualification** when it comes to professional standards in land, property and construction.

In a world where more and more people, governments, banks and commercial organisations demand greater certainty of **professional standards and ethics**, attaining RICS status is the recognised **mark of property professionalism**.

Over **100 000 property professionals** working in the major established and emerging economies of the world have already recognised the importance of securing RICS status by becoming members.

RICS is an **independent** professional body originally established in the UK by Royal Charter. Since 1868, RICS has been committed to setting and upholding the **highest standards of excellence and integrity** – providing **impartial, authoritative advice** on key issues affecting businesses and society.

RICS is a **regulator** of both its individual members and firms enabling it to **maintain the highest standards** and providing the basis for **unparalleled client confidence** in the sector.

RICS has a worldwide network. For further information simply contact the relevant RICS office or our Contact Centre.

RICS HQ

Parliament Square, London SW1P 3AD
United Kingdom

Worldwide media enquiries:

e pressoffice@rics.org

Contact Centre:

e contactrics@rics.org
t +44 [0]24 7686 8555
f +44 [0]20 7334 3811

United Kingdom

Parliament Square
London SW1P 3AD
United Kingdom
t +44 [0]24 7686 8555
f +44 [0]20 7334 3811
contactrics@rics.org

Europe

(excluding United Kingdom and Ireland)
Rue Ducale 67
1000 Brussels
Belgium
t +32 2 733 10 19
f +32 2 742 97 48
rics europe@rics.org

Asia

Room 2203
Hopewell Centre
183 Queen's Road East
Wanchai
Hong Kong
t +852 2537 7117
f +852 2537 2756
ricsasia@rics.org

Americas

One Grand Central Place
60 East 42nd Street
Suite 2810
New York 10165 – 2811
USA
t +1 212 847 7400
f +1 212 847 7401
ricsamericas@rics.org

South America

Rua Maranhão,
584 – cj 104
São Paulo – SP
Brasil
t +55 11 3562 9989
f +55 11 3562 9999
ricsbrasil@rics.org

Africa

P0 Box 3400
Witkoppen 2068
South Africa
t +27 11 467 2857
f +27 86 514 0655
ricsafrica@rics.org

Ireland

38 Merrion Square
Dublin 2
Ireland
t +353 1 644 5500
f +353 1 661 1797
ricsireland@rics.org

Oceania

Suite 2, Level 16
1 Castlereagh Street
Sydney, NSW 2000
Australia
t +61 2 9216 2333
f +61 2 9232 5591
info@rics.org.au

Middle East

Office G14, Block 3
Knowledge Village
Dubai
United Arab Emirates
t +971 4 375 3074
f +971 4 427 2498
ricsmenea@rics.org

India

48 & 49 Centrum Plaza
Sector Road
Sector 53,
Gurgaon – 122002
India
t +91 124 459 5400
f +91 124 459 5402
ricsindia@rics.org