



## St Cuthbert (Out) Parish Council

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## PARISH GUIDE

### House and Garden Property Boundaries

## Want to know about property boundaries?

### Boundary disputes

Neighbour disputes over boundaries are not uncommon. The best advice is to discuss the problem with your neighbour and try to reach an amicable solution. Petty disputes over a few inches are best solved this way. If an irresolvable dispute does arise, it will be necessary to establish who owns the disputed land. The primary evidence will be contained in the legal documents and is normally conclusive. However, boundaries between properties can differ from those described in the title documents or lease, particularly when the boundaries have been changed by agreement or by encroachment.

Taking a dispute to law is very costly and should be the last recourse - we are talking about tens of thousands of pounds. If a dispute is irreconcilable by discussion, then among the options open (short of going to court) are:

- Invite your neighbour to participate in mediation. For example, a mutual friend could look at the argument and offer a solution. The local Council might be willing to offer someone to act as a mediator, but these services are advisory only and will incur costs.
- If you think that the boundaries are not defined in the title document or lease, or that the boundaries have been changed, you will need to get professional advice from a Chartered Surveyor or your Solicitor.

## **Erection and maintaining a barrier**

In general, there is no requirement to erect and maintain any type of barrier, eg. a fence, wall or hedge. The exceptions are when:

- There is a clause in the title documents or lease.
- The property is next to a street and may cause danger.
- A barrier is necessary to prevent animals, other than domestic pets, from straying.

It is first necessary to establish who owns the barrier, etc. The rules for establishing ownership are the same as for other boundaries. Normally, the property deeds will specify who owns the barrier. If the barrier belongs to one owner, they can use it as they wish, without the neighbour's consent, providing it is safe. The neighbour has no rights over the barrier and cannot use it to support, for example, trailing plants without the owner's permission. If a barrier is jointly owned, each neighbour can use it provided that such use does not cause damage or renders it unsafe. If you have a barrier next to the street, this must be kept in good repair to prevent it becoming a nuisance or a danger to anyone using the street. You are liable for any damage or injury caused by the barrier, eg. if it has barbed wire, or collapses on someone in the street, and you will be liable for compensation if the matter goes to law.

## **Planning restrictions**

Planning permission is not normally required for a barrier provided it is no more than 1 metre in height if next to a highway and its footpath, or 2 metres elsewhere. If you wish to exceed these limits, you will need planning permission from Somerset Council.

There are no planning restrictions on the height of hedges, but there are other laws and rules regarding height when it becomes an obstruction to driver's sight line or contravenes historic planning conditions or covenants.

## **More information**

There's more information about boundary disputes on the RICS website: [general advice](#) is available on their website and a more detailed advisory booklet can be found here: [Consumer guide to boundary disputes \(July 2020\)](#)

There is Citizens Advice guidance on resolving a dispute with a neighbour at:

[Disputes with neighbours over walls or fences](#)

[Disputes with neighbours over trees or hedges](#)