

CONSUMER GUIDE



Boundary disputes in England and Wales

A clear, impartial guide

rics.org/consumerguides



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Introduction

Disputes about boundaries are never far from the news, and have been increasing steadily in number in England and Wales.

Such disputes can be costly, traumatic and time-consuming for all concerned. They can end up in expensive legal cases and leave lingering mistrust and ill feeling between neighbours. As the old adage goes, 'Good boundaries make good neighbours'.

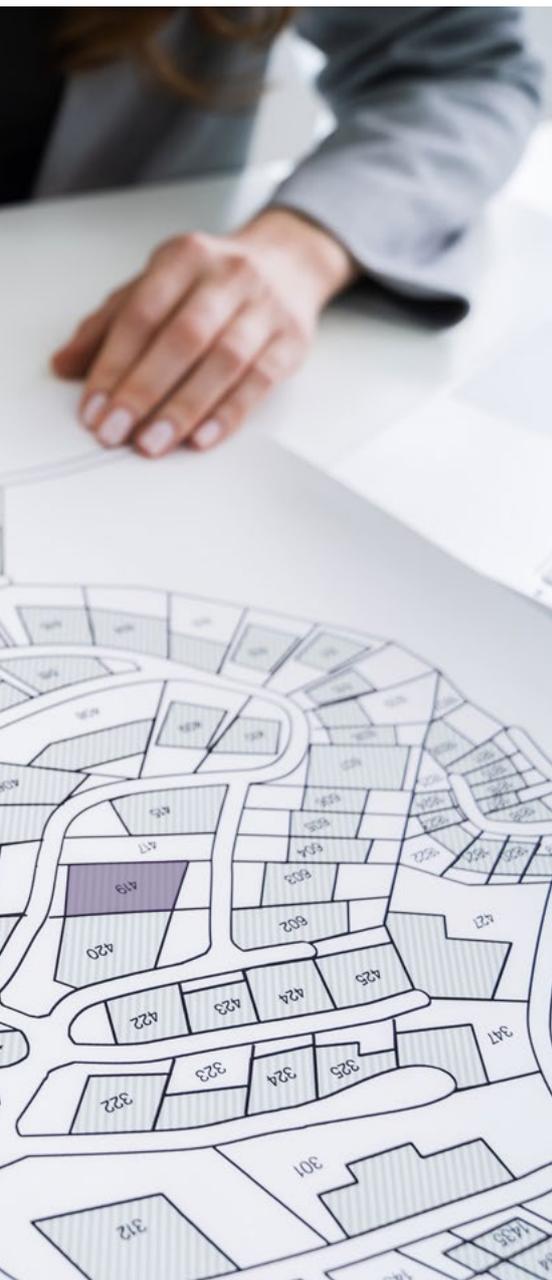
This guide will help you understand the basics of boundaries, and how to avoid some of the potential pitfalls when dealing with them.

How RICS can help you

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.



Before moving in

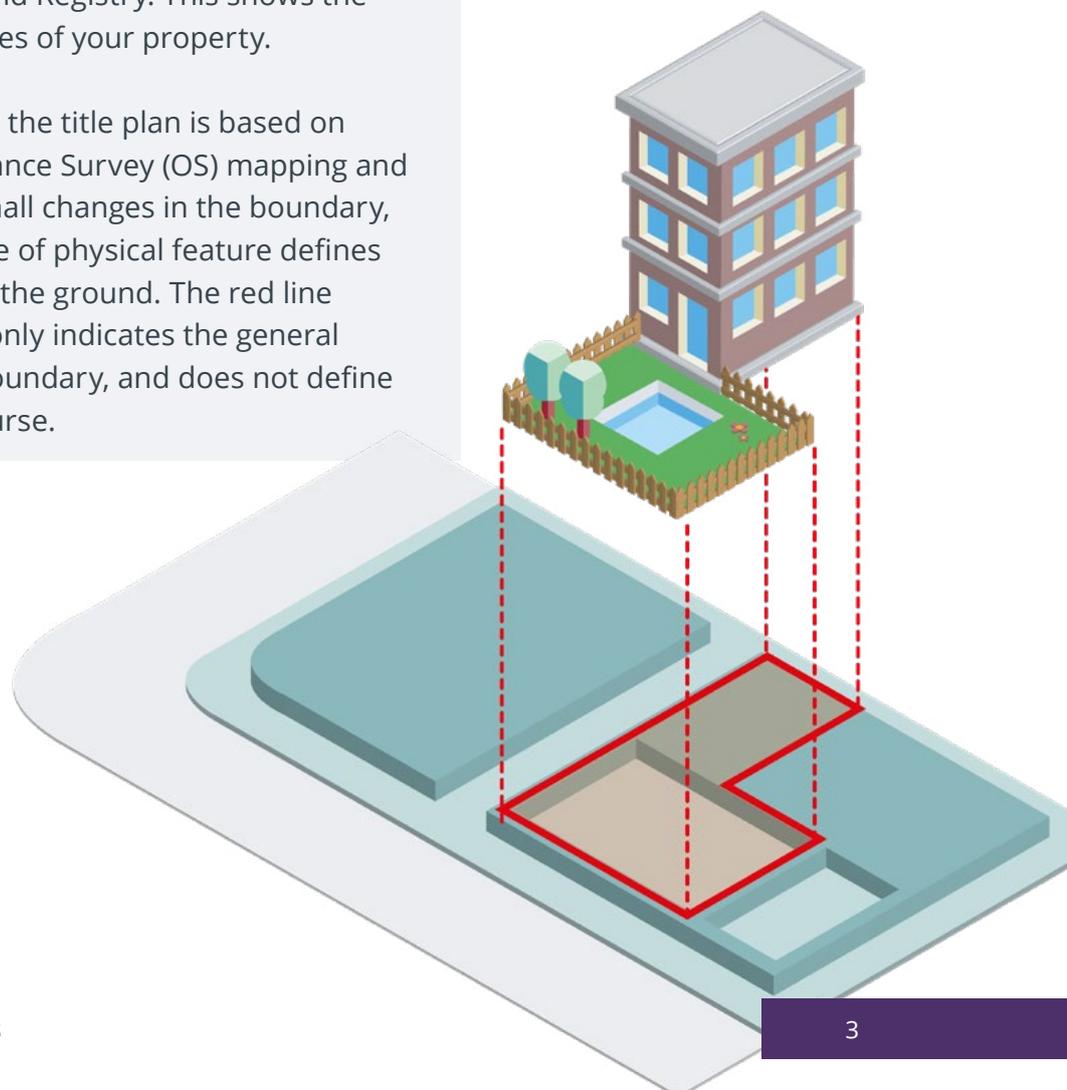
When you move into the house you have bought, establishing the exact position of the boundaries for the plot it stands on is not high on your list of priorities. However, this is important – and not just for new developments, but also older properties.

During the conveyancing process, your solicitor should identify any existing boundary issues, but there are still three simple steps you can take to avoid any problems.

Ask your solicitor for an official copy of the title plan from HM Land Registry. This shows the general boundaries of your property.

1

Bear in mind that the title plan is based on large-scale Ordnance Survey (OS) mapping and may not show small changes in the boundary, or even what type of physical feature defines the boundary on the ground. The red line on the title plan only indicates the general position of the boundary, and does not define its exact legal course.



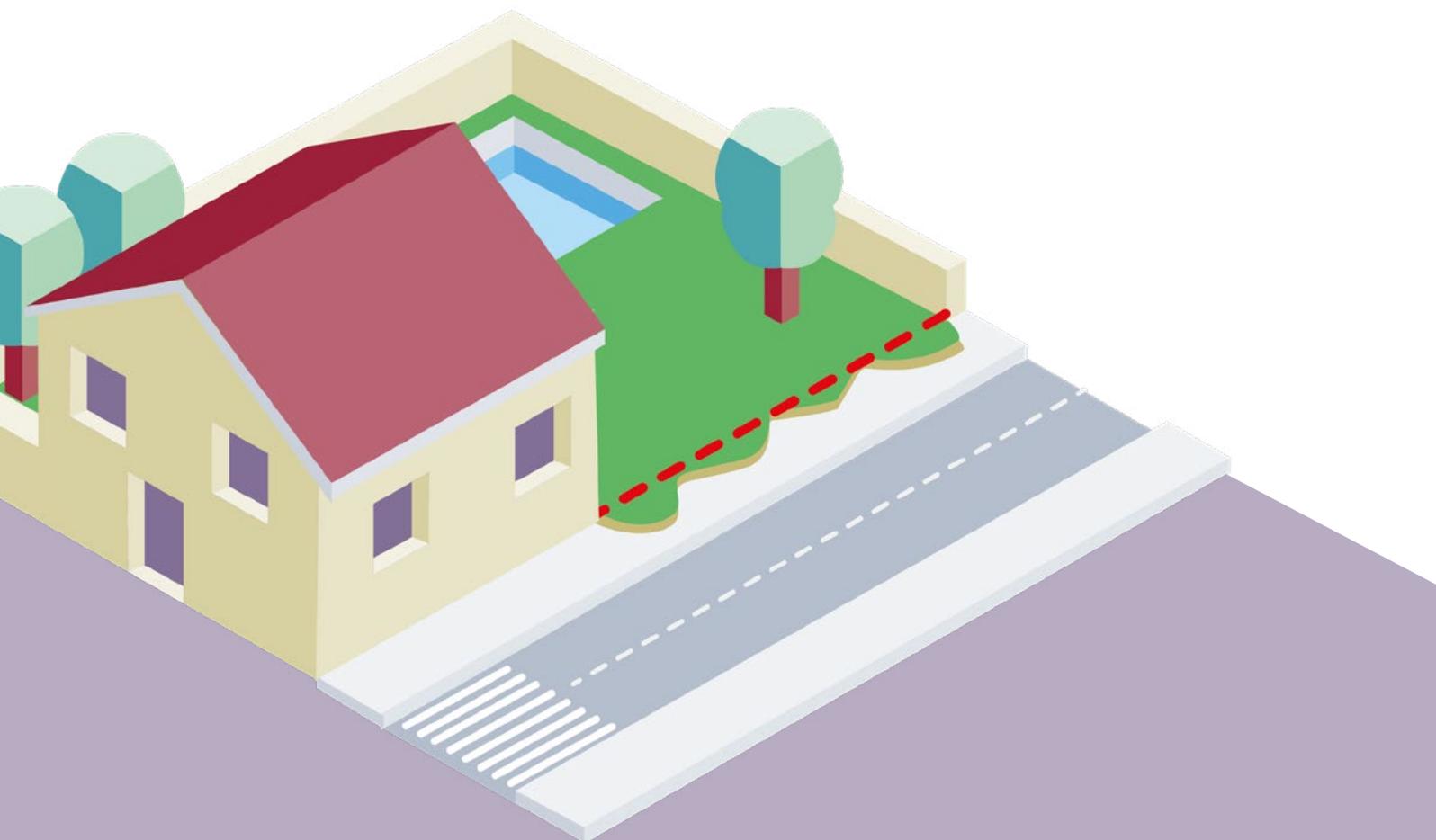
2

Compare this title plan to your property. You should do this before exchanging contracts, you can ask the seller to clarify any differences, whether they relate to hedges and walls, outhouses or any other feature. Clarification of any differences is important as these may delay your exchange process.

3

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

Where the boundary of the property abuts a public highway or public right of way, you should also consult the local highway authority to clarify the exact legal alignment, extent and status of that right of way. It is the highway authority rather than the OS that is responsible for defining such routes.



Living with your shared boundaries

Most properties have physically defined boundaries in one or more of the following forms.



Fences



Sides of buildings



Walls



Roads



Hedges



Ditches



Edging stones



Rivers



It is essential to maintain these physical boundaries and ensure they don't fall into disrepair. If some or all of your boundaries are not clearly defined then you and your neighbour need to understand and agree where the boundary is.



Establishing an understanding with your neighbour may well help you avoid problems in the future if you decide to put up an appropriate boundary feature such as a fence, wall or hedge. You should never do so without your neighbour's knowledge or while they are away. Always discuss any planned work with them before you begin.

If the boundary is near a public highway or right of way, you should also consult the local highway authority.

Changes to your shared boundaries

A boundary can change over time for many reasons, but these changes are rarely recorded – and that can lead to disputes.

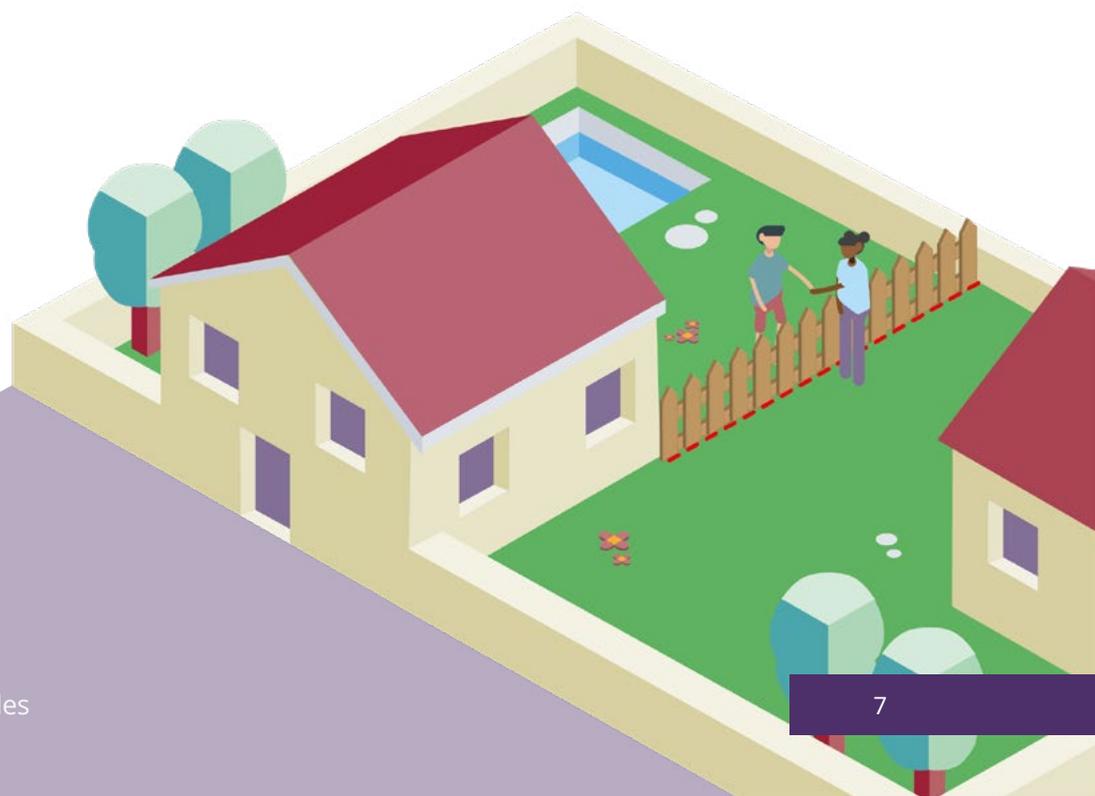
Boundary structures will deteriorate at some point, and many boundary disputes start when one homeowner replaces a structure without consulting their neighbour.

This is particularly common where a hedge is replaced by a fence. Always remember that the exact position of the boundary in relation to the hedge may be difficult to identify, and the only way to determine where a replacement fence should be positioned is by agreement between the neighbouring homeowners.

Another frequent cause of disputes is when a homeowner tries to build right up to a boundary. If you intend to do so, consult your neighbour before you apply for planning permission.

Even if they cannot agree to your proposals, do ensure that you both agree where your shared boundary is and that the works stay on your own land. Do note that the planning authority will not concern itself about whether you own the land you build on – that is your responsibility to determine.

You may also find the RICS consumer guide [An owner's guide to the Party Wall etc. Act 1996](#) useful.



What happens if a boundary dispute arises?

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

The key to resolving a dispute speedily and successfully is to seek expert advice as soon as possible. In the first instance, you can consult a chartered land surveyor specialising in boundary disputes.

Before you appoint such an expert to work on your behalf, you should ask them the following questions.



- Are they using the current edition of [Boundaries: procedures for boundary identification, demarcation and dispute resolution](#), RICS guidance note?
- Do they have experience of mapping and land surveys?
- Are they skilled at interpreting various forms of geographic information?
- Are they familiar with the latest [Civil Procedure Rules](#)?
- Are they trained or experienced in preparing reports for and giving evidence in court?
- Do they have experience as an expert witness in court and, if so, how many court appearances have they made recently?



An expert chartered surveyor will not only survey the site and check the deeds and plans attached to them, but 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 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.

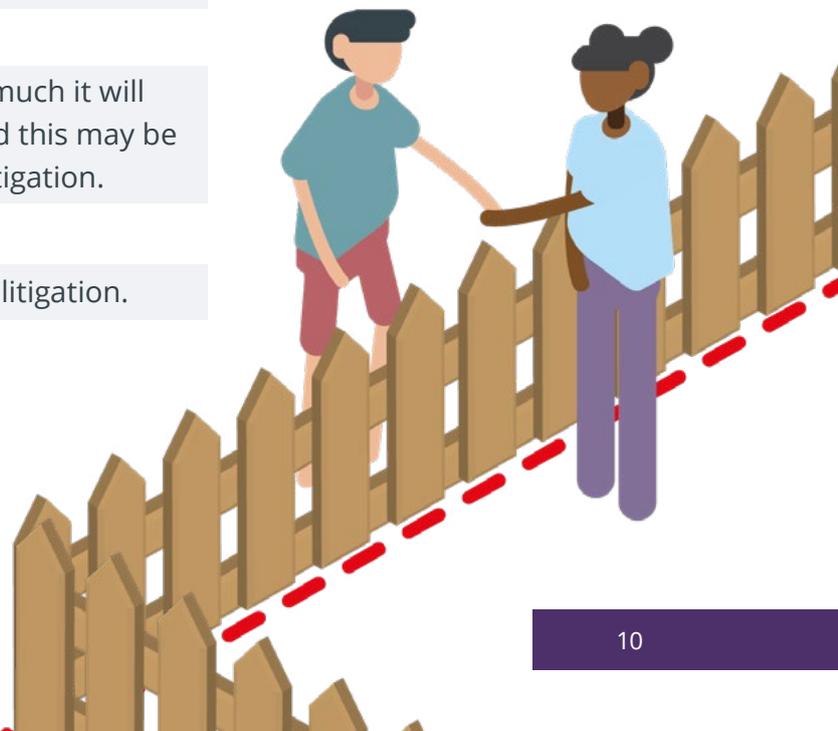
The surveyor may also supervise any physical boundary structure that is put in place or any work carried out by building contractors, to make sure there are no further arguments.

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.



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.

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

HM Land Registry

Information on boundaries, title plans and property registration

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 [RICS' public 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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