

How to Resolve Common Neighbour Disputes

Step 1 Think about alternatives to going to court

Remember the golden rule!

Whatever the outcome of your dispute, it is likely that you will have to go on living alongside your neighbour. In this context, court action is likely to be sign of failure. All of the advice below assumes that you have already had neighbourly chats with your neighbour, but to no avail.

The Obvious Costs Of Legal Action

Some neighbour problems, such as boundary disputes can be notoriously difficult and expensive to resolve. There are cases of legal costs of nearly £100,000 in relation to a **two foot wide strip of land**.

If you decide that legal action is the right option for you, make sure that you find out if you are eligible for **legal aid**. If you do not qualify, you will need to ask your solicitor for a clear explanation of the likely costs of the case.

You should also check with your household insurance policy. Some polices have legal protection cover, which you may be able to claim on to pay for the cost of the legal action.

Where your neighbour's actions have caused damage to your property, it may be worth considering claiming on your buildings policy, leaving your insurance company to chase your neighbour. You may still end up paying the excess on your policy. If your neighbour is at fault, you may be able to sue them for this in the **small claims court**.

The Unseen Costs Of Legal Action

If you even so much as send your neighbour a solicitors letter, you may find that you have to reveal this dispute when you later come to sell your home. This may be off-putting for buyers.

Alternatives to Court

1. Contact The Neighbour's Landlord

Where the neighbour is a tenant, it may be that their behaviour is a breach of their tenancy agreement. It is worth finding out if their Landlord is prepared to take any action against them.

2. Go to Mediation

Using a **community mediation process** may help you to come to an agreement with your neighbour. You may have to pay for this service. For this to work, both sides have to be willing to lose something.

3. Report Anti Social Behaviour to the Police and Local Authorities

In cases of **criminal activity** the police or local authority may be able to help you to resolve the issue.

Step 2 Find out more about your property

It may be that you are quite convinced that you have a right of way or own a disputed strip of land, but your neighbour may be equally convinced that you are mistaken. A good starting point for finding out more about the rights you have over your land is your title documents or lease.

Most residential properties in England And Wales are now registered and more information may be available from the [Land Registry](#).

If your land is unregistered, you should have a copy of the deeds to the property. If there is an outstanding mortgage, your lender will normally have the deeds.

Step 3 Find out about the law

Anti Social Behaviour

The Crime and Disorder Act 1998 defines anti-social behaviour as 'acting in an anti-social manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.'

The act creates criminal offences and gives wide powers to the Police and Local Authorities to take action. The action they can take includes fixed penalty notices, noise abatement notices, injunctions, dispersal powers, anti-social behaviour orders (ASBOs) and possession proceedings against a tenant.

If you feel that you have been the victim of this sort of behaviour you could contact either the police or your Local Authority. Some local councils now have [specialist units to deal with these sorts of problems](#).

Boundaries Disputes

It is notoriously difficult to establish the exact location of a boundary. Many plans in title documents only serve to give an indication of the position of the property as a whole. It is unlikely that your [title documents](#) will contain scale drawings.

If you are in dispute with your neighbour about the exact location of the boundary, you may find it helpful to consult [The Royal Institution of Chartered Surveyors](#), who operate a free 30 minute helpline. A surveyor may be able to help you locate the position of the boundary.

The actual position of the boundary can change over time because the owners of the land have come to an agreement that this should happen, or because a neighbour has encroached on the land and not been challenged of a great number of years.

If all else fails, and you decide to take legal action about the boundary, please note that there is normally a strict time limit of 12 years within which action can be taken. This is a complex issue and specific advice should be sought from a [solicitor](#).

Party Walls

If you or your neighbour are planning to carry out work on an existing party wall or build a new wall that is astride the boundary or, in some cases are planning to excavate within 3 or 6 metres of a neighbouring building or structure, you will need to follow the procedures under the [Party Wall Act 1996](#).

Trees

Property owners are entitled plant trees on their property, unless there is a clause in their [title documents](#) specifically forbidding them to do so.

Dangerous Trees

Local Authorities have powers to take action against landowners if trees are in immediate danger of causing damage or injury.

Damage Caused by Trees

If your neighbour's trees have caused damage to your property, for example if the roots of their trees have damaged the foundations of your house, you may have a claim against them for compensation. Please note that there is a strict time limit of 6 years from the date that you could have reasonably known about the damage in which to take court action.

Overhanging branches

If you are bothered by overhanging branches, you may trim them back to the boundary. The branches remain the property of your neighbour and you should give them back to them. Before taking any such action you should check to see if the tree is subject to a Tree Preservation Order. Contact your local authority for more information about this.

Hedges of more than two meters

If your neighbour has a high hedge that is limiting light to your garden or property, you can complain to the local authority who do have some powers to restrict it's height. Please see the [Government's communities website](#) for more information about this.

Noise

Local Authorities have powers to take action in the magistrates' court against householders who persistently cause noise nuisance. If you have been unable to persuade your neighbour to reduce their noise to a reasonable level, you should contact the Environmental Health department of your local authority.

Please see the Government's [DEFRA website](#) for more information about this.

Rights of Way

1. Public Rights of Way

England and Wales have an extensive network of public rights of way such as footpath and bridleways. These are normally shown on Ordnance Survey Explorer and Landranger maps. Your Local Authority will have a duty to maintain and protect these paths. If you are unsure about whether a path is a public right of way, you should contact the highways department of your local council. For more information on public right of way please see [The Ramblers website](#).

2. Private Rights Of Way (Easements)

If you believe that you have an individual right to cross your neighbours land or to run utility services across their land, you should consult your [title documents](#) to see if this right is described in them.

In the absence of anything in writing, it is possible to acquire such rights over many years usage. This is a very complex issue and specific advice should be sought from a [solicitor](#).

THIS FACT SHEET IS INTENDED AS A GENERAL STATEMENT OF THE PROCEDURE AND DOES NOT PURPORT TO RENDER SPECIFIC ADVICE, LEGAL OR OTHERWISE. SPECIFIC ADVICE ON A PARTICULAR PROBLEM SHOULD ALWAYS BE SOUGHT.

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