

Your Legal Questions

Paul Addison
Partner & Solicitor



Q I own the property in which I live and after checking the deeds to my property I have found that the garden boundary wall belongs to me. The wall however is in poor condition and my builder needs to go on to my neighbours land in order to repair it. What rights do we have to do that?

A Generally, if you go on to your neighbours land without their permission you are trespassing. You should therefore always ask for their permission to do so but if for any reason they refused and tried to stop entry then the first thing that you should do is to look again at the deeds to your property to check whether they grant you rights of entry onto neighbouring land and if so then what notice you need to provide your neighbour with. Otherwise, you can rely upon the Access to Neighbouring Land Act 1992 which entitles you to access to adjoining or adjacent land for the purposes of carrying out "basic preservation works" to your property or land. This would include maintenance, repair or renewal of an existing building, repairs or renewal to drains, sewers or pipes serving your property and filling in or clearing a ditch. If your neighbour refuses a written request from you for access on to their land then you can apply to the County Court for an order granting you access under the act which the Court will grant if it is satisfied that the proposed preservation works are reasonably necessary for the preservation of your property or land and that they cannot be carried out, or would be very difficult to carry out without entry on to your neighbour's land. Any court order will specify exactly the work that needs to be carried out, the date the work will be started and the date it must finish and will make provision for you to compensate your neighbour for any financial loss they may suffer or any incidental damage caused by the works.

Direct dial **01934 637906** / addison@powellslaw.com