

Your Legal Questions

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Q A long time ago I built an extension to my property which runs along the boundary wall. I now wish to put in double-glazing windows but to do this the window fitter needs access to my neighbours land. Can I simply go on their land?

A Generally, if you go on to your neighbours land without their permission you are trespassing. It is vital therefore that you always ask their permission to do so. If your neighbour refuses to allow you access then the first thing that you should do is to look at your property deeds to check whether they grant you rights of entry onto neighbouring land. If your deeds do not give you any such right then you may be able to rely upon the Access to Neighbouring Land Act 1992. This Act entitles you to access 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. At first it will be necessary for you to send a written request asking for access to their land. If they refuse you access then you can apply to the County Court for an order granting you access under the Act. The Court however is limited in its powers and will only grant you access to your neighbours land 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.

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