

PLANNING DIVISION INFORMATION SHEET 3.3 BOUNDARIES AND DISPUTES ABOUT THEM

Residents occasionally ask the Council to help them establish the exact position of the boundary of their property. The Council cannot become involved in boundary disputes between neighbours; they are best resolved amicably by the parties concerned.

Inspection of the deeds of the properties involved may provide helpful information. It is also possible that inspection of a Land Registry plan may help, although it is unlikely to solve a demarcation problem. Entries on the register can be inspected and copied, together with any of the documents referred to [except leases and mortgages]. A fee is payable for this service, details of which are obtainable from the Land Registry. If investigation of the position of the boundary is to be taken further, it may be necessary for the parties concerned to seek their own legal advice from a solicitor. It may also be helpful to seek the advice of a private surveyor, who will inspect the boundary.

PLANNING APPLICATIONS AND PROPERTY BOUNDARIES

The precise demarcation of a property boundary is not usually necessary for the process of dealing with a planning application. The applicant is required to show the extent of the application site by drawing a red line round it and a blue line around any other land in their ownership. However where, for example, an extension is shown close to a boundary and it is important to provide a gap to avoid cramped development, the applicant may be asked for evidence of ownership.

If any part of the work will be outside the application site, such as foundations or overhanging gutters, it will be necessary for the applicant to serve notice on the adjoining owners affected and to complete the appropriate form with the application. If any part of the foundations or "party wall" is to be built on the adjacent land it is advisable to enter into a written agreement with the owner. It may be appropriate to seek legal advice on this matter. Also when carrying out building work close to the boundary it is important to obtain consent from the owner of the adjacent property if the builder needs to have access to their land.

The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. Anyone intending to carry out work of the kind covered by the Act must give adjoining owners notice of their intentions. The Act covers the following types of work:

- Various work that is going to be carried out to an existing party wall or structure
- New building at or astride the boundary line between properties
- Excavation within 3 or 6 metres of neighbouring buildings or structures, depending on the depth of the hole or foundations

The Party Wall Act Explanatory Booklet is available from the Council's Building Control team or <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

FURTHER INFORMATION

The Bromley Community Mediation Service
The Stables, 1 North Street, Bromley BR1 1SD
Tel 020 8249 7954 Fax 020 8249 7784
website www.mediationfirst.org.uk
email bromleymediation@yahoo.co.uk

Land Registry
Tel 0844 892 1111
website www.landregistry.gov.uk

This form is also available upon request in large-print format.
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