

# Love thy neighbour?

Litigation & Dispute Resolution Law Update



**There's an old saying that we don't choose our relatives, and equally it's very rare that we choose our neighbours.**

Fortunately, most of us are lucky to get on with those living next to us.

However, for those who are not so fortunate, the time when it was relatively inexpensive to move, if you didn't get on with your neighbours, has long since gone.

Apart from the stresses and strains of running battles with those living next door, disputes can be a problem when you come to sell.

If you have a dispute with your neighbour, this has to be disclosed to anyone interested in buying your property.

Some potential buyers may not be worried about a dispute you have with your neighbours, but many will not take such a relaxed attitude.

The moral in all of this is to behave reasonably and encourage your neighbours to do likewise.

Main areas of friction which increase tension are the building of extensions, particularly connecting into party walls, infringing boundaries and the use of rights of way.

If you or your neighbours are intending to build an extension, it's important to talk. If there any issues which are a

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problem, you would be well advised to check the documents which relate to your property and its use.

The ownership of most property is these days registered at the Land Registry, which is accessible to the public. Copies of the documents which relate to your property can be obtained online for a few pounds. You should also have the deeds which predate registration of your property at the Land Registry. These can be useful in providing further clarity.

The precise location of the boundary is not always clear from plans – they are often ‘for identification only’, which means they could be slightly out.

Similarly, with rights of way, it is often better to show a degree of tolerance, though you may want to exercise a degree of care that your neighbour doesn’t get a right of way beyond what is shown in your ownership documents by going beyond that right of way for a long period.

The courts are a notoriously expensive way of resolving disputes in comparison with the financial value of what is at stake. Also these days, even if you ‘win’ a court case, there is no guarantee that your neighbour would be ordered to pay your legal costs and, in some circumstances you may be ordered to pay your neighbour’s legal costs.

Therefore, unless what is at stake is of significant financial value, finding an amicable solution by talking should be the preferred solution.

#### **Ware & Kay**

good on paper, even better in person

#### **Contact us**

For further advice or to make an appointment, please contact a member of our Litigation & Dispute Resolution Team on York **01904 716000** or Wetherby **01937 583210**.

Alternatively you can email them **[law@warekay.co.uk](mailto:law@warekay.co.uk)**.