

Establishing the boundaries and ownership

If a dispute arises between neighbours about the boundary between their properties, it will be necessary to establish who owns the disputed land. The primary evidence will be contained in the legal documents. Clear evidence of this kind is normally conclusive. However, the boundaries between properties can differ from those described in the title documents or lease in certain circumstances.

The most common are where they have been changed by agreement or by encroachment (occupation without permission). If you think that the boundaries are not defined in the title document or lease, or that the boundaries have been changed by agreement or encroachment, you will probably need to get legal advice from a solicitor. However, you may also wish to try mediation first as a way of resolving your dispute with your neighbour.

Parking space

Unless there are local parking restrictions giving a right to a particular space, residents do not have automatic rights to a parking space on a public road. However, they do have a right of access to their drive.

If there is a shared drive, then each person has a right of access and neither should block the drive. Blaby District Council and the police have wide powers to remove vehicles that are illegally parked, causing an obstruction on the highway or which are abandoned

Contact Blaby District Council Environmental Health Team on

Telephone: 0116 272 7555

Hedges

If a neighbour's hedge is tall and blocks out light, the person affected by the nuisance can prune the branches. However, no one should attempt to reduce the height of a hedge without obtaining advice from a solicitor. In addition, some hedgerows are protected by law. You have the right to complain to Blaby District Council if your residential property is affected by a neighbour's evergreen or semi-evergreen hedge which is more than two metres high. This may result in your neighbour having to reduce the height of their hedge. You must try to resolve the complaint with your neighbour before approaching Blaby District Council, and you may be charged a substantial fee before Blaby District Council will consider the complaint. Either you or your neighbour can appeal against Blaby District Council's decision.

Disputes over hedges can be reported to Blaby District Council Planning Enforcement Team on

Telephone: 0116 2727555

Email: planning.enforcement@blaby.gov.uk

Via the website: www.blaby.gov.uk

Overhanging branches

If a neighbour's tree hangs over an adjoining property, the tree owner should be asked to trim back the tree. If this is not done, the complainant has the right to trim the tree back to the boundary line, although any branches and/or fruit removed belong to the tree's owner and should be offered back to the owner or disposed of with the owner's consent. You should always check with the Blaby District Council to whether the tree has a Tree Preservation Order or is within a conservation area.



**Reducing Crime & Disorder
in the District of Blaby**

**Together
tackling
nuisance
neighbours
in your neighbourhood**

www.blaby.gov.uk

Neighbour disputes

Neighbour disputes and problem neighbours can be difficult and upsetting for all those that are involved.

This leaflet is intended to provide you with some information on how to tackle these problems and who can help you.

The first thing you should do with any problem is try and speak to your neighbour and resolve the situation and restore the relationship between you. If this has not worked and you report it to us, we will meet with you as soon as possible at Blaby District Council offices or at your home to discuss the incident.

We will let you know if your concerns amount to 'anti-social behaviour' (ASB) and whether the Community Safety Team or another department at the council can help you.

We will always listen to both sides of the story, so we will talk to your neighbour about your concerns but also give your neighbour an opportunity to respond and raise any concerns of their own. We will remain impartial whilst investigating any allegations.

We may be able to offer the opportunity for you to undergo mediation with your neighbour to prevent the problem escalating and agree an amicable way forward.

In order to gather evidence, we may do several things e.g:

- we may ask you and your neighbour to keep incident diaries for an agreed period
- we may contact other residents in your local neighbourhood
- we may inform the police or the registered social landlord (if applicable) of your concerns and to check if they have received reports of anti-social behaviour

We will assess all complaints/incidents against our risk categories, which will help us to determine the appropriate response or whether outside support agencies can also provide help.

If following our investigation there is clear evidence of ASB, the council, police and registered social landlords can take a range of action against the perpetrator(s). If we are unable to establish clear evidence of ASB by your neighbour, we will not always be able to take formal action. In these cases, we will only be able to offer advice of how best to maintain respectful neighbour relationships.

We will keep you informed of the outcome of our investigation/decision.

If we are unable to take action, you may wish to seek advice from your local Citizen Advice Bureau or solicitor with regard to taking independent civil action through the courts.

Neighbour disputes involving ASB can be reported to Blaby District Council Community Safety Team on

Telephone: 0116 2727677

Email: community.safety@blaby.gov.uk

Via the website: www.blaby.gov.uk

Children

Noisy children in themselves are not a 'nuisance'. If someone is disturbed by a 'neighbours' children, for example, a shift worker who wants to sleep during the day, the only real solution is a conciliatory approach to the neighbour. If a child throws a ball into a neighbours property, the neighbour should either hand it back or allow it to be collected. However, it is trespassing if a ball is retrieved from a neighbours' property without consent.

Dealing with noisy neighbours

As a first step, you should talk to your neighbour and ask them to reduce the noise. If the noise is not reduced and you believe your neighbour is a tenant, it may be worth contacting your neighbours landlord, if you know who the landlord is. If the problem persists it is useful to keep a record/diary of the disturbances which can be used as evidence in any future action.

You can ask the Environmental Protection Team to investigate the noise. They are able to assess the level of noise and to give an expert opinion on how it rates as a noise nuisance.

If the officer considers there is a statutory noise nuisance and has been unable to resolve the matter by discussion, the authority can then serve a notice on the person causing the noise, or on the owner or occupier of the property. If the person causing the noise does not comply with the notice, the local authority can prosecute them, and/or seize certain types of equipment. A more detailed advice leaflet on neighbour noise is available from the team.

Noise issues can be reported to Blaby District Council Environmental Protection Team on

Telephone: 0116 2727555

Email: environmental.health@blaby.gov.uk

Via the website: www.blaby.gov.uk