

When can I access my Neighbour's Land?



Written by
Stephanie Connor
Solicitor at Hayes + Storr

Sometimes it may be necessary for you to go on to your neighbour's land in order to repair your house, or to remove a tree which has become dangerous and unstable and needs chopping down.

The most straightforward way to do this is to simply ask your neighbour for their permission to gain access to their land. You may need to arrange for the works to be done at a time to suit your neighbour. It is always advisable to try to remain on good terms with your neighbour if possible.

If however, your neighbour refuses you access to their land then there are steps you can take.

The Access to Neighbouring Land Act 1992 gives the right for you to access neighbouring land for the purpose of 'carrying out basic preservation works' to your property. These works include the maintenance and repair of a building, repair of drains, sewers or cables, filling in or clearing a ditch or tree felling if the tree is dead, diseased or dangerous. The Act's reference to 'preservation' means that it is unlikely to be of use if you wish to build something new, such as an extension.

To utilise the Act you need to be granted a right of access by applying to the County Court. A Court fee will be payable.

The Court will decide whether the works are reasonably necessary and whether they would be very difficult to carry out without access to neighbouring land. The Court Order will state exactly what work is to be carried out, when and where it will take place and might also provide for you to pay compensation to your neighbour for any loss or damage.

The Court could decide to refuse access if it believes it would cause hardship to your neighbour or significantly interfere with their enjoyment of their own land.

Once a Court Order has been obtained, you will then be able to access your neighbour's land but you must only do the works specifically authorised under the Order.

If you require advice on this matter please contact the Conveyancing Department at any of our offices or email law@hayes-storr.com

"This article aims to supply general information, but it is not intended to constitute advice. Every effort is made to ensure that the law referred to is correct at the date of publication and to avoid any statement which may mislead. However no duty of care is assumed to any person and no liability is accepted for any omission or inaccuracy. Always seek our specific advice."

**If you require advice
on any other legal
matter please contact
Hayes + Storr on
01553 778900**

