

# *Legal* UPDATE

## Misplaced Fence Leads to £20,000 Bill

A fence put up by a Devon couple will cost them more than £20,000 in legal fees and re-erection costs after the court decided that it was built a few inches the wrong side of their boundary with their next-door neighbours.



The court case was necessary because the neighbours objected to the fence, which was erected whilst they were on holiday, and claimed that it had been built on their land. They considered the fence to be unsightly and complained that it blocked the view from their drive.

Photographic evidence of the position of an earlier wall was important in determining the line of the boundary, after an expert had given evidence that the boundary line could not be determined exactly.

The judge ordered the fence to be removed and issued an injunction prohibiting the couple from erecting further fencing on their neighbour's land. It is often impossible to determine the exact line of a boundary and plans filed when properties change hands are more indicative than precise, so disputes are not infrequent. The outcome in such cases can be both expensive and unpredictable.

**If you have issues with a neighbour encroaching on your land, we can advise you of the appropriate steps to take.**