

## **Understanding Neighbour Disputes, Party Wall Awards, and Trespass**

Neighbour disputes can be a significant source of stress and tension, often arising from misunderstandings or disagreements over property boundaries, noise, or other issues. In this blog, we will explore three common areas of neighbour disputes: party wall awards, trespass, and how to resolve these issues amicably.

### **Neighbour Disputes**

Neighbour disputes can arise for various reasons, including noise complaints, boundary issues, and disagreements over shared spaces. These disputes can escalate quickly if not addressed promptly and effectively. It is essential to approach these situations with a calm and rational mindset, aiming for a resolution that maintains a good relationship with your neighbour.

#### Common Causes of Neighbour Disputes

1. **Noise Complaints:** Excessive noise from parties, pets, or renovations can lead to disputes.
2. **Boundary Issues:** Disagreements over property lines, fences, and hedges are common.
3. **Shared Spaces:** Conflicts can arise over the use of shared driveways, gardens, or communal areas.

### **Party Wall Awards**

A party wall is a wall that stands on the land of two or more owners and forms part of a building. The Party Wall etc. Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls, and excavations near neighbouring buildings.

#### What is a Party Wall Award?

A party wall award is a legal document that sets out the rights and responsibilities of property owners undertaking building work that affects a shared wall or boundary. It is designed to protect both parties' interests and ensure that the work is carried out without causing unnecessary inconvenience or damage.

#### When is a Party Wall Award Required?

A party wall award is required when:

1. **Building on the Boundary Line:** Constructing a new wall or building on the boundary line between two properties.
2. **Work on an Existing Party Wall:** Carrying out repairs, alterations, or demolitions to an existing party wall.
3. **Excavations Near a Neighbouring Property:** Excavating within three or six metres of a neighbouring building, depending on the depth of the excavation.

## How to Obtain a Party Wall Award

1. **Serve Notice:** The property owner intending to carry out the work must serve a party wall notice to the adjoining owner(s) at least two months before the work begins.
2. **Response:** The adjoining owner(s) can either consent to the work or dissent. If they dissent, a party wall surveyor is appointed to prepare the award.
3. **Surveyor's Role:** The surveyor will assess the proposed work, inspect the properties, and prepare the party wall award, outlining the work to be done, how it will be carried out, and any necessary precautions.

## Trespass

Trespass occurs when someone enters or interferes with another person's property without permission. It can involve physical entry, placing objects on the property, or allowing animals to stray onto the land.

### Types of Trespass

1. **Trespass to Land:** Entering someone's land without permission.
2. **Trespass to Goods:** Interfering with someone's possessions.
3. **Trespass to the Person:** Unlawful interference with someone's body, such as assault or battery.

### Legal Remedies for Trespass

1. **Injunction:** A court order preventing the trespasser from continuing their actions.
2. **Damages:** Compensation for any loss or damage caused by the trespass.
3. **Self-Help:** In some cases, property owners may remove trespassers or objects themselves, provided they do so reasonably and without causing harm.

## Resolving Neighbour Disputes

### Communication

The first step in resolving any neighbour dispute is to communicate openly and calmly with your neighbour. Discuss the issue and try to reach a mutually acceptable solution.

### Mediation

If direct communication fails, consider mediation. A neutral third party can help facilitate discussions and negotiate a resolution.

### Legal Action

As a last resort, legal action may be necessary. Consult a solicitor to understand your rights and the best course of action.

MHHP Law LLP, The Studio, Highstone House, 165 High Street, Barnet EN5 5SU

[Info@mhhplaw.com](mailto:Info@mhhplaw.com)

0203 667 4780

Visit our website at [www.mhhplaw.com](http://www.mhhplaw.com)



## **Conclusion**

Neighbour disputes, party wall awards, and trespass can be complex and challenging to navigate. Understanding your rights and responsibilities, communicating effectively, and seeking professional advice when needed can help resolve these issues amicably and maintain a positive relationship with your neighbours.

For more information or assistance with neighbour disputes, party wall awards, or trespass, please contact us today online at [www.mhhplaw.com](http://www.mhhplaw.com), email [jon.gilbert@mhhplaw.com](mailto:jon.gilbert@mhhplaw.com) or call him on 020 3667 4787 for more information.