



Boundary Definition Policy

01 April 2018

Title	Boundary Definition Policy
Users of Policy	Colchester Borough Council tenants and leaseholders, staff at Colchester Borough Homes
Date Adopted	April 2018
Date last Reviewed	February 2018
Review Frequency	Every 3 years
Best Before Date	31 March 2021
Scheme of Delegation	
Formation of Policy	Portfolio Holder(s) with delegated responsibility for the Financial Management of the Housing Revenue Account
Amendments	Portfolio Holder(s) with delegated responsibility for the Financial Management of the Housing Revenue Account
Monitoring	Housing Asset Manager
Implementation	Housing Asset Manager
Approval of requests	Housing Asset Manager, delegated to Director of Property Services, Colchester Borough Homes

1. Introduction & purpose

This Policy details Colchester Borough Council's (CBC) approach to boundary definition within its housing stock, which includes the maintenance, repair and replacement of boundary fencing to homes and communal areas where appropriate. This will help tenants be clear as to when the Council's Arm's Length Management Organisation Colchester Borough Homes (CBH) will carry out any necessary works. It provides clear guidance on what our tenants can expect and outlines the provision of service.

The guiding principle of the Policy is that whilst all boundaries of CBC land will be marked out, a new fence will only be provided, or an existing fence replaced where it meets the criteria detailed in this policy. There is no legal requirement for CBC to provide fencing.

2. Supply of fencing

For this policy, a fence is defined as a way of marking a boundary and not as a means of security.

CBC as the landlord/landowner has an obligation to mark its boundaries. This can be achieved in a manner of ways including hedgerows, fencing, wire or posts. CBC

has the discretion to determine the type of fencing which is provided through its fencing policy.

Colchester Borough Homes will inspect fencing requests as appropriate to determine ownership and the most appropriate form of marking the boundary.

The following is the standard to be used and referred to, and can be changed subject to appropriate authorisation:

Rear Gardens

- Close boarded fencing with wooden posts (normally 1.8 m in height) where the rear or side boundary adjoins a highway, public footpath or public area of open space.
- Chain link fencing with metal posts (normally 0.9 m in height) for boundaries between rear gardens and boundaries to “rear access” footpaths used by residents of the adjacent properties.

Front Gardens

- The existing type of fencing (normally palisade, chain link or close boarded fencing 0.9 m in height) is replaced with the same type of fencing to “match” adjacent properties.

Hedgerows on and denoting boundaries are considered adequate provision and fencing will not be provided. If a tenant decides to remove any object marking the boundary then consent from CBH will have to be given prior to this. If given, once removed it will be the responsibility of that tenant to remark the boundary by installing a replacement fence or similar structure with the relevant consent from CBH. Tenants must have a secure tenancy with CBH before asking permission for alterations as per their Tenancy Agreement.

Leaseholders

Where fencing works on communal areas cost more than £250 per leasehold flat, CBH will consult the leaseholder through a Notice of Intention via a Section 20, giving them a 30-day period to comment.

3. Making safe

Where fencing has been assessed as dangerous or posing a health and safety risk CBH will attend and make safe. Examples of this could include (but is not restricted to):

- Damage to fencing due to high winds
- The fence being over a footpath, broken with jagged edges or causing a trip hazard
- Unstable or loose fencing
- Fencing which has come away from the posts

Where possible, CBH will undertake a temporary repair to secure unstable fencing. If this is not possible then the fencing will either be taken away or taken down and secured on the customer's premise until such time as a full repair can be arranged.

4. General repairs

We aim to repair existing fencing rather than replace it where possible.

If the fence panels are in a good condition and only the posts are broken, we will not take the panels away from site but just lay them down flat in a safe place in the garden, usually on the lawn, until such a time we can return to replace the posts and refit the existing panels.

Sections of, or the whole fence, may need to be removed completely (in cases where it is damaged beyond repair) to leave the area safe. This can mean the area is left exposed until the fence can be repaired or replaced.

5. Pets

Residents are responsible for the health and welfare of their pets. We expect residents to keep pets such as dogs within the boundaries of their gardens. Fencing will not be provided with pets in mind. If nuisance occurs then this will be reported to and dealt with by the Community Housing Officer.

6. Non-standard fencing

You may ask permission to install fencing at your own cost by asking us in writing. Permission will normally be given but subject to conditions (please see the Tenant Alterations Policy).

Planning permission is not generally needed before erecting a fence or wall, provided it is no more than one metre in height if next to a highway, or two metres elsewhere. This will normally include the addition of trellis panels on top of an existing fence if this takes the overall height to above 2 metres.

If you wish to exceed these limits, you will need to get planning permission from the local authority.

Tenants must maintain any fencing that they put up. If they end their tenancy the responsibility for the fencing passes to CBH. Where succession or exchange of tenancy occurs, it will be the responsibility of the incoming tenant to maintain.

7. Boundary disputes

Boundary disputes can be very disruptive in communities so we will put decisions in writing and keep a record of them.

Private boundaries are the responsibility of the owners to maintain. Where there is a disrepair issue CBH will liaise with the owner to ask them to undertake the works. If there is a Health and Safety issue such as a risk of the fence falling onto

someone within our land we will attend and make safe by removing the hazard that is intruding into our land.

CBH will not under any circumstances install fencing alongside an existing privately-owned boundary as this can lead to land disputes.

8. Response times

- We will attend all urgent 'make safe' fencing jobs within 3 working days of the initial report being reported.
- We will respond to requests for information within 10 days.
- We will inspect the site within 21 days and provide advice.
- Minor routine repairs will be carried out within 21 calendar days.
- Major fencing or fencing that is included into a schedule of works will be carried out within 180 calendar days.

9. Advice and assistance

To report issues, request information or make requests for permission contact our Customer Service Centre info@cbhomes.org.uk – Customer Services deal with all emails received on behalf of CBH to report issues & request Information.

Verbal advice on fencing can be given by your Housing Officer at your new tenancy visit or by the surveyor during the site inspection.

10. Consultation

The reading panel will be asked to consider the document through a task and finish group. This will also include persons from CBH Housing Management and CBH Repairs teams.

11. Appeals Procedure

Appeals in respect of how the policy has been applied or eligibility will be dealt with via the Colchester Borough Homes complaints procedure.

12. References

[Boundary Disputes, Consumer UK](#)

[Neighbour Disputes, Citizens Advice](#)

13. Related documents

Conditions of Tenancy

Health & Safety Policy

Strategic Health & Safety Policy

Repairs Policy

Tenant Alterations Policy

Rechargeable repairs Policy

Antisocial behaviour Policy

Risk Management Policy & strategy

Pets Policy

Landlord and Tenant Act 1985 – Section 20

14. Communicating the policy to staff

Managers and staff involved in the implementation of the Policy will receive a copy of the policy including:

- Housing Officers, Visiting Officers, Asset Management, Customers Service, Members and Board Members

Colchester Borough Homes will provide sufficient training to enable staff to understand and comply with the Policy.

A copy of the Policy will be placed on the websites of Colchester Borough Council and Colchester Borough Homes.

Any amendments to the Policy will be communicated, in a timely manner, to managers and staff involved in implementing the policy. Revised Policy documents will be circulated and placed on the web.

15. Communicating the policy to customers

The policy will be communicated to customers using the following methods:

- Articles regularly in Housing News and Views
- Sheltered Scheme newsletters
- Colchester Borough Council and Colchester Borough Homes websites
- Social Media