



## Top Tips For Handling Land Disputes

## Handling Land Disputes

Welcome to the Kirwans guide to 'Handling Land Disputes'.

This guide has been compiled by our Property and Dispute Resolution legal experts to provide you with tops tips to avoid land disputes and what to do next should a dispute escalate.

Disputes involving property and land can often cause distress and frustration. Whether it involves a neighbour, co-owners or a local authority, you may require legal assistance to reach an acceptable solution.

Land Law can be complex, which is why seeking legal expertise will provide you with peace of mind that the issues are carefully considered with an effective application of law. Property and land disputes can include damage to your land, boundary disputes, trespassing, ownership issues, rights of way and access to land.



With Kirwans, you have access to a team of leading litigators and property law experts who can guide you through the legal process in helping to achieve the best possible outcome.

### Our Client Commitment

- 24/7 access to Dispute Resolution legal specialists
- Day to day confidential support and advice
- Concise and honest advice tailored to your needs
- Regular updates ensuring you are fully informed
- Transparent pricing with no hidden costs
- Prompt and thorough response to enquiries

#### Important Information - Disclaimer

This publication contains general information only. Nothing in this publication constitutes legal advice. You should consult a suitably qualified lawyer on any specific legal problem or matter

## Handling Land Disputes: Top Tips

### Try to avoid a dispute in the first place

Communication is key and minor disagreements can escalate into disputes if they are not handled carefully. Keep your neighbours informed about any work/changes you're planning to make to the boundary of your properties before you start work and make sure you keep communication channels open.

### Listen to neighbours' comments and their side of any dispute

Be prepared to compromise; people often come to us believing that they are 'in the right'. Two opposing parties, both with strong stand points, can often lead to them taking the decision to litigate as a matter of principle without always considering that the journey they are embarking on is a) lengthy, b) costly and c) pursuing a neighbour through the courts will cause irreparable damage to neighbour relations. Not many neighbours can maintain a cordial relationship after suing each other.

### Review Land Registry plans

Land Registry title plans are drawn to a small scale and are not intended to show the precise location of each boundary; indeed all Land Registry title plans are headed with a disclaimer to this effect. These plans should be checked on site. Don't rely on the accuracy of the Land Registry's Plans. It's a common misconception that these plans are completely accurate, when in fact, they have been created as a guide and often need the insight of both a solicitor who will consider the Title Deeds for a property, review other documentation such as old photographs and also a surveyor who may wish to conduct a site visit before the true line of the property boundary can be established.

### Consult a chartered surveyor arbitrator

A chartered surveyor arbitrator will also be able to understand the disputed issues faced by the parties in a land, property or construction dispute. The arbitrator's decision is final and binding, although there are limited rights of appeal to the courts on procedural irregularities and a point of law.



### Litigation is not the only method of handling disputes

Remember that there are alternatives to litigation available, namely Alternative Dispute Resolution (ADR). A responsible solicitor should advocate the benefits of mediation in property or neighbour disputes as early as possible and certainly before the issuing of any proceedings. Mediation is significantly cheaper than litigation and can be organised quickly at a time, location and cost agreeable to the parties. Conducted with the assistance of an experienced property litigation lawyer, who has good relationships with mediators, it's an option that can save costs and angst and put parties on the right track to a securing a relatively peaceful resolution.



### Get expert support

If you are struggling with a serious land dispute, you can get advice and support from a number of sources including;

- A Solicitor
- A Land Agent
- The [Tenant Farmers' Association](#)
- A Member of the [Agricultural Law Association](#)
- Professional Organisations like the [Central Association of Agricultural Valuers](#)

**For all your legal needs contact our team today**

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