



Charnwood

# **Fencing & boundary policy 2022-2026**

29/09/2023

# 1. Policy objectives

The objectives of this policy are as follows:

- To set out clearly the obligations of both Charnwood Borough Council and its tenants and leaseholders in respect of fencing and boundaries at tenanted properties and communal areas.
- To provide a framework by which a consistent application of the council’s position on boundary responsibilities can be practised by staff.
- To provide a means by which disputes can be resolved through the application of this policy.

# 2. Scope of this policy

This policy will be applied to all rented dwellings owned by the council and tenants living in them.

# 3. Terms used in this policy

Throughout this document the term boundary structure is used to describe man-made and living structures that separate one property from another, including walls, timber fences, and hedges.

# 4. Policy statement

4.1 The installation and maintenance responsibilities of the council and its tenants are set out in the below table.

Boundary	Scenario	Boundary structure ownership/Maintenance responsibility
Back garden between two tenanted properties (front/back; side/side etc.)	At void there is no boundary structure.	The council will mark the boundary using four-foot chain-link fencing with concrete posts and, in respect of adjoining properties, a six-foot-square timber privacy screen along the line of the party wall at the rear of the property. Thereafter the maintenance will fall to the tenants either side of the two properties’ dividing fence.

	Original CBC provided fence (including post and wire/chain-link /hedge/wall etc. and its maintenance.	The maintenance will fall to the tenants either side of the two properties' dividing boundary.
	Tenant-erected boundary structure.	Maintenance will fall to the tenant who has erected the boundary structure.
	No boundary structure present	The council will mark the boundary using four foot chain-link fencing with concrete posts and, in respect of adjoining properties, a six-foot-square timber privacy screen along the line of the party wall at the rear of the property. Thereafter the maintenance will fall to the tenants either side of the two properties' dividing fence.
Between tenanted property and public highway/footpath	Front garden: no boundary structure.	Tenant's responsibility. The council will generally not install a front garden fence.
	Front garden: existing boundary structure.	Tenant's responsibility.
	Side and rear of property: no boundary structure.	A fence will be erected by the council, that is appropriate to the context and any planning restrictions in place. Thereafter the maintenance will fall to the tenant.
	Side and rear of property: existing boundary structure.	Tenant's responsibility.
<b>Between tenanted property and garage site / field / commercial premises / open land etc</b>	Side and rear of property no boundary structure	A fence will be erected by the council, that is appropriate to the context and any planning restrictions in place. The council will maintain this structure.

	Existing boundary structure	The council will maintain the boundary structure.
Between tenanted property and another privately owned property: title not proven / or another privately owned property: title belonging to CBC	Side and rear of property no boundary structure.	The council will mark the boundary using four-foot chain-link fencing with concrete posts and, in respect of adjoining properties, a six-foot-square timber privacy screen along the line of the party wall at the rear of the property. Thereafter the maintenance will fall to the tenant.
	Side and rear of property - existing boundary structure.	Tenant's responsibility.
Fencing and gates in communal areas	Not applicable	The council will maintain this boundary structure.
Gates at tenanted property	Front, side and back	Tenant's responsibility. The council will generally not install or maintain gates.

4.2 Generally, where the council determines it is responsible for marking a boundary a four-foot chain-link fence with concrete posts will be installed. Where this is not appropriate (for example where the property adjoins a garage site or similar) an alternative type of fence that is suitable to the context will be installed. The council retains the exclusive right to determine the type of fence or nature of boundary structure installed.

4.3 The following considerations will be taken into account in the context of the table above:

- The council will consider each case involving a boundary on its merits;
- There may be instances where the council will consider installing a fence/gate outside the parameters set out in the above table, including where:
  - a recommendation has been received from an occupational therapist;
  - recommended by the council's anti-social behaviour team to improve security where there is a risk of serious anti-social behaviour or harm (such as domestic abuse);
  - it is contractually bound to do so.

- Tenants are responsible for the safe enclosure of any pets to prevent escape onto neighbouring properties.
- Where fencing works on communal areas will cost more than £250 per leasehold flat, CBC will consult leaseholders in line with its statutory obligations under section 20 of the Landlord and Tenant Act 1985 (as amended by the Commonhold and Leasehold Reform Act 2002).

#### 4.4 In respect of boundary alterations:

- Prior written permission, requested in writing, must be obtained from CBC before a tenant alters a boundary structure. This includes the taking down, alteration and installation of fences, hedges, and walls;
- It is the tenant's responsibility to ensure all other necessary approvals, for example, planning permission and/or building regulations are in place. The specification and standard for the works must be agreed with CBC prior to the work starting.

4.5 The council reserves the right to remove fencing or boundaries and recharge works to the tenant where the fencing or boundary is not deemed acceptable, is unsafe or where deliberate damage of the structure has taken place. Any new boundary or fencing to be erected must give due consideration to the setting, appearance and style of the surrounding environment. If any boundary or fencing that does not fit its surrounding CBC reserves the right to remove it and recharge the tenant for the costs of this work.

4.6 Subject to sections 4.7, 4.8 and 4.9 below, boundary structures installed by the tenant will be maintained by the tenant with no obligation to the council to maintain, repair or replace.

4.7 If, after being given reasonable notice, a tenant does not keep in good repair or renew a fence that is their responsibility to maintain under this policy, the council may carry out the works itself and erect a suitable fence, appropriate to the type of boundary, and will recharge the tenant for the cost of the work

4.8 If a tenant fails to maintain their garden and, as a result, damages a fence owned by a third party to the point that it has to be replaced, we may, after giving reasonable notice to the tenant to pay for the replacement of the fence, agree with its owner to contribute to its replacement up to the cost of providing a four-foot chain link fence and recharge the tenant for that element of the cost.

4.9 Generally, any work that the council carries out that are the tenant's responsibility under this policy or the conditions of tenancy will be recharged and recovered in line with our recharge policy.

#### 4.10 At the end of a tenancy:

- The council will be obliged to remove any fencing or other boundary structure that is found to be in a damaged, unsatisfactory, or unsafe condition. These works will be recharged to the former tenant(s) in line with CBC's recharge policy. A member of the repairs & maintenance team will discuss this with the tenant during the pre-void inspection visit.

- Any natural boundary hedging exceeding 5'3" at the front of the property and/or 6'6" at the rear of the property and /or dividing boundaries at the end of a tenancy will be cut by CBC and the cost of this work will be recharged to outgoing tenant(s). A member of the repairs & maintenance team will inform the tenant(s) of the recharge at the pre-void inspection visit. This applies to a tenanted property and not a void property.