

Fencing - Whose Responsibility?

Both Winchester City Council and you as tenants have responsibilities when it comes to maintaining or replacing boundary fences. This leaflet sets out to explain those responsibilities.

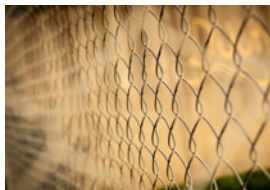


Winchester City Council is responsible for defining and marking the boundaries around your home but is not obliged to provide fencing. This means that unless there is a legal obligation to do so the Council will not erect any new fencing or replace existing fencing at your property.

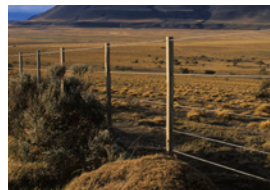
The Council will continue to maintain fencing around communal garden areas. There are certain other circumstances where we may consider erecting fencing including:

- If your garden adjoins a public footpath or open space
- If there is a medical need supported by an Occupational Health Assessment
- To prevent falls between levels if you cannot safely remedy this yourself
- Large scale projects funded through the Councils Estates Improvement Programme

If the Council do have a duty to provide fencing, it will either be post and wire or chainlink fencing as pictured below.



Chainlink fencing



Post & wire fencing

Your Rights & Responsibilities as a Tenant

You do have:

- The right to carry out improvements to your home which includes erecting new fencing.

You do not have:

- The right to compensation for any fencing that you erect. Fencing does not qualify under the Government Right to Compensation for Improvement scheme.

You are responsible for:

- Maintaining your boundary fences to keep animals and children safe and prevent them from becoming a nuisance to neighbours. Ensuring fences do not fall into disrepair or become unsafe. Meeting the cost of any maintenance work the Council has to carry out on your fences which will be recharged to you.

What to do if you want to replace or erect a fence

Find out the exact position of the boundary and who is responsible for it. If you are unable to determine this yourself you can contact the Tenancy Services Team for advice.

There may be a shared responsibility with your neighbour so you should discuss this with them. If there is a shared responsibility, they may be willing to share the costs of the fencing work with you. If they are not, you will have to decide if you can afford to pay for the fencing yourself before you get started.

If the fence is solely your neighbour's responsibility and they allow it to fall into disrepair, you should report this to the Tenancy Services Team.

Check that you do not need Planning Permission to replace an existing fence or erect a new one. Remember that there are strict guidelines for the height of fences, usually 1.8 - 2 metres at the rear and 1 metre at the front.

Before you erect the fencing you must first ask the Tenancy Services Team for permission. You will need to provide full details of the fencing work you would like to carry out including a copy of your Planning Permission if it has been necessary to obtain it.

Once you decide to go ahead with the work

Choose your contractor carefully. Make sure they are suitably qualified to do the work and ask to see a copy of their Public Liability Insurance Document. You need to make sure that they have the appropriate insurance to cover accidental damage to property or to underground services.

Remember, you will be responsible for the safety and quality of the works and the contractor while the work is being carried out. If the Council considers that the work is not of a suitable standard you will be asked to make sure the contractor puts this right. If they do not, the Council will engage another contractor to complete the work properly and you will be recharged for the cost.

Do not allow the contractors to block any pedestrian or vehicle access.

Make sure you keep your neighbours informed of when any fencing work is likely to take place and how long it will take as this could impact on how they use their garden during this time.

You will be responsible, together with your neighbours if appropriate for settling all bills with the contractors. The Council will not intervene in any disputes with contractors or neighbours over payment of bills.

Useful Contact Details

WCC Planning Department

Tel: 01962 848 177

Email: planningenquiries@winchester.gov.uk

Tenancy Services Team

Tel: 01962 848 197

Email: housingtenancy@winchester.gov.uk

OT Direct (Occupational Health Assessments)

Tel: 0300 555 1378

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