

ASK THE ADVISER

14) PROBLEMS WITH NEIGHBOURS - The latest in a series of articles by Iain Gregory of Caithness CAB

One of the great advantages of living in rural Caithness is that, with any luck, your neighbours will be farmers or crofters. When we lived at Forse we were in just such a lucky position. I recall one hot summer's afternoon, whilst I slumped somnolently on a garden bench, being vaguely aware of the sound of a passing tractor and trailer. This was swiftly followed by a loud thump and I was startled to see what appeared to be a bowling ball heading up the drive towards me. Closer examination proved it to be a neap. On another occasion we returned home from town to find an empty, and somewhat tattered, cardboard box in the hall. The mystery was solved when we encountered a rather irritable lobster wandering about the kitchen – conveniently close to the pan cupboard as it transpired. Now that we live on the outskirts of Thurso we are equally well blessed and our nearest friends are a farming family, the lady in question being an excellent baker and I am of course duty bound to give advice on the quality of all such produce.

Unfortunately not everyone is so lucky and neighbour disputes feature frequently in our day-to-day work at Caithness CAB. Problems occur over a very wide range of issues and each presents its own complications when trying to reach resolution. So what are the most frequent problems and what can we do?

Probably the most common case reported to us relates to noise. This can vary from the archetypal party which has got out of hand to regular excessive pollution from hi-fi systems and street noise caused by, for example, a faulty or badly maintained alarm system which insists on ringing at great volume for no apparent reason. There are various ways to deal with this – the standard advice given by most agencies is always to speak to the offending neighbour first to try and reach an equitable solution. This is all well and good if your approach is likely to be well received, but one should be very careful before going down this line – often the reception will be less than welcoming. You can also bring the matter to the attention of the landlord of the property in question, if it is rented accommodation, and we frequently write letters for clients in just such a case. Clearly, if things are out of hand with grossly excessive noise at a late hour, or if you feel in any way at risk, then you should inform the police. They have an excellent way of dealing with music systems operated at full belt in the early hours. Regular noise – perhaps coming from a building site or a nearby business or domestic premises – can be reported to the local authority who have powers to deal with such matters. Environmental Health can measure noise levels and, if necessary, take action to put a stop to it or to prevent a recurrence

Who remembers all the publicity about the dreaded Leylandii? This rather

attractive Cypress became extremely popular a few years ago, but it has one great drawback (or advantage depending, literally, on which side of the fence you are on) – it grows faster than the government deficit. This led to all kinds of problems with 20' high hedges springing up in domestic gardens and many complaints. As a result legislation was introduced. Now, if a neighbour has a problem with light being blocked from their property because of a high hedge or group of trees over 2 metres in height and the hedge owner will not cooperate to reduce the height of same the local authority can issue a high hedge notice to compel the owner to cut it back. The complainer will be expected to have tried to sort out the problem before they can apply to the local authority. The law is very clear about what type of hedge or group of trees meet the criteria for the involvement of the council so do check with them or us first before taking action.

Another very common one is the much-feared boundary dispute. We frequently see clients who have become involved in acrimonious arguments over, who actually owns what, and up to what point. If you are a tenant then this can be addressed reasonably simply - when there is a dispute over the position of a boundary, or the duty to erect a fence, wall or barrier then you should consult the lease or tenancy agreement for the property or approach the landlord for assistance in resolution. If you are an owner-occupier then it can get messy. If a dispute arises over the boundary between properties it will be necessary to establish exactly where the boundary lies. You can have a look at your title deeds if you have them or can access them. In many cases you may well need to get a solicitor involved. In such cases it is always advisable to get professional help but this can obviously become very expensive indeed. We can help to a certain extent – if you come and see Caithness CAB we can get in touch with a “boundary disputes helpline” operated by The Royal Institution of Chartered Surveyors where we can speak with a Chartered Surveyor with relevant knowledge of both property issues and the law and, as a real bonus, we can get you 30 minutes of free advice. You need a referral from us so get in touch if you need some help.

Liz and I are very fortunate in having lots of horses, cattle and sheep in the surrounding fields, including a young Tup who likes to help me in the garden. (I have called him “Mint Sauce” which was not well received by said wife). Sadly, animal issues lead to many complaints and again it is not always easy to address the situation. The most common problems are:- too many animals are being kept by a neighbour; the animals make too much noise (for example, dogs howling at night); the animals keep straying onto other people's property; the animals are frightening and/or dangerous; the animals are dirty, smelly, or attract vermin or they are being neglected or cruelly treated. Problems with animals are usually best resolved by informal methods. A successful conclusion to a problem is most likely to be reached where the client can persuade the neighbour to recognise the problems the animal is causing and to take action to stop them recurring – just remember the earlier caveat though. If talking to the neighbour about the problem is unsuccessful, as it often is, you can refer the matter to the Police, the Scottish Society for

the Prevention of Cruelty to Animals, the Environmental Health Department, the Planning Department, or take advice from Caithness CAB or a solicitor. The appropriate course of action will depend on the nature of the particular problem but I would say this – if an animal is being mistreated, remember it cannot defend itself and the SSPCA are very good indeed at standing up for it and you should always tell them.

So these are the most common types of disputes which we advise on, but there are many more. Common repairs – perhaps in relation to a “tenement” (for example a block of flats with different owners) - often lead to fall-outs. The roof might be leaking or a wall is damaged and arguments arise over who pays for what or pays at all. We had a bit of a problem ourselves at CAB over just such a situation when the accursed roof blew off and it took us a while to resolve, so if you need help we can steer you in the right direction.

So there we have it. We are all human and we all tend to become a bit cross about things from time to time, but the best solution is always to try and reach a friendly solution. I do remember some years ago a neighbour dispute being resolved by the unwise, and inappropriate, use of a shovel which led to all kinds of problems and I would always counsel restraint and utilising CAB in the first instance. And now I am going home as I believe my neighbour has delivered some further baking products which require my expert consideration and opinion.