

Policy	Boundary and fencing policy
Date adopted	April 2024
Date of next review	April 2027
Version	1
Responsible board	Homes board
Responsible officer	Head of neighbourhoods

Policy and purpose

We are committed to providing excellent customer service so that every time you contact us, you have a good experience. Our boundary and fencing policy sets out what you can expect from us when dealing with a boundary at your property.

This policy has been developed to offer a clear understanding of the different responsibilities of Homes Plus and customers, when related to boundaries, fencing, walls and hedges.

Please note: should the boundary structure be a wall, consideration needs to be given as to whether the Party Wall Act 1996 is to apply before any works are undertaken (other than emergency works). We will include in the assessment if the boundary/wall is in a conservation area and consult with the relevant local authority.

This policy applies to

Properties owned or managed by Homes Plus. This is in line with our tenancy agreements and leases.

Land owned by Homes Plus, including land in communal areas and customers' private gardens.

Our employees, customers, partners and any external organisation supported or engaged by us.

We will

- ◆ Provide a service to customers that offers value for money and helps you to enjoy your home and garden.
- ◆ Provide advice and guidance to all customers, to help you manage your boundaries.
- ◆ Make sure customers meet their fence and gate maintenance responsibilities, in line with their tenancy agreement.
- ◆ Follow legislation about providing safe spaces and play areas, as well as guidance set out in the Equality Act 2010. We will also make sure that all boundaries are secure and provide gates, if required.
- ◆ Direct customers to local or statutory agencies for help and support, if they are unable to maintain their boundary, fencing or hedges. If a customer finds that their garden maintenance is unmanageable, we will talk through their options and support them to request a transfer to a more suitable home, if necessary.
- ◆ Maintain all fencing and gates to communal areas, as well as fencing and walls that join a highway, footpath or public right of way.

- ◆ Make sure that we always consider value for money when we are carrying out fencing renewal works, whether they are part of a programme or neighbourhood regeneration activities.
- ◆ Make sure we maintain existing walls through repair work or planned programmes. We will only consider building new boundary brick walls as part of an investment programme or regeneration programme, or in exceptional circumstances. Where it is necessary, we will seek the relevant planning and building regulation permissions. We will also make sure we check the legal obligations of all boundaries and make sure customers know what their responsibilities are.
- ◆ Consider different ways to define a boundary, including fencing, walls and hedges. These will help us to make the boundary clear between properties that we own and between our properties and private or leasehold homes. There are areas that are under development restrictions, which mean we sometimes have to decline requests for boundaries and fencing so that an area remains shared.

Guidance for customers

We will:

- ◆ Offer advice and support to help you meet your boundary repair responsibilities. These responsibilities are outlined in the 'customer obligations' section of your tenancy agreement and we can provide a copy of that for you, if you need it.
- ◆ Offer advice about how to maintain existing gates that have been fitted by us. Please note that we will only repair existing gates if there is a health and safety concern.

You must:

- ◆ Report any boundary issues to us as soon as you notice them. This will allow us to send a surveyor to look into the cause of the problem. If it is found that the you are responsible for any necessary work, we will give you plenty of advice about how to deal with the problem and how to maintain fencing around your home.
- ◆ Give access to Homes Plus and any appointed contractors, so we can carry out any work that we are responsible for. Please note that if you don't allow us access and there are serious health and safety concerns, we may have to consider legal action.
- ◆ Gain permission if you want to put up your own fence. Please ask for permission in writing and make sure you provide a sketch plan, which shows the proposed position and style of the fencing. Please also make sure you gain any other necessary permissions, for example, planning permission and the approval of the occupier(s).
- ◆ Remember that you should not install spiked or dangerous toppings to fencing, walls or gates.

Please see our key facts sheet for guidance relating to replacement boundaries and fencing.

Making sure we do what we say

We monitor performance about boundaries and fencing. This includes the number of requests we receive from customers about us undertaking fencing or boundary works or asking for permission to carry out their own changes. We also make sure that any arrangements made with our contractors provide the best value for money.

Additional information

Empty homes

We expect that fencing, gates, walls and hedges are left in a good condition when customers move out of their homes. If this is not the case, we will repair fencing in a way that meets the quality homes standard. The outgoing tenant will be required to pay for this work in line with our rechargeable repairs policy.

We do not expect to replace fencing, walls or hedges in full. This will only happen in exceptional circumstances, as part of a capital investment programme or as part of an estate regeneration programme.

We will consider different ways to define a boundary, including fencing, walls and hedges. These will help us to make the boundary clear between properties that we own and between our properties and private or leasehold homes. There are areas that are under development restrictions, which mean we sometimes have to decline requests for boundaries and fencing so that an area remains shared.

We will repair or replace broken or missing fencing with materials that are in keeping with the surrounding area. All replacement fencing will be a minimum of 1.2m high (4 foot) unless there are planning or conservation restrictions.

Customers will be regularly reminded that they are responsible for maintaining a boundary that is suitable for pets and/or children, beyond the standard that we provide. This will be subject to planning permission or other limitations.

Policy review

We will review this policy in three years' time unless we need to do so before.

Appendix A: key facts

Definitions

Capital investment

Capital investment is money generated through a combination of rental income, association reserves, grant funding and new private borrowings. It is used to undertake improvements to the assets we own and manage.

Improvement programme

This kind of work is carried out in addition to other planned programmes of works. It is intended to deliver repairs and improvements to whole estates rather than isolated blocks or properties.

Fencing and gate replacement

In general, we will only replace fencing or gates as part of a capital investment programme or estate regeneration programme. If necessary, planning and building regulation consent will be sought before fencing is installed.

Fencing materials could include pressure treated colour timber, metal and recycled plastic. As far as possible, we will buy all materials from renewable sources.

Boundary wall and/or fencing installed by tenant

If you wish to install or modify a boundary, wall or fence, you will need to ask for our permission using the property improvement request form. You will also need to make sure that all other necessary approvals, including planning permission and building regulations, are in place. All work must be done to a pre-agreed standard.

If we grant permission to build or modify a fence or wall, the customer will keep responsibility for repairing it, in line with their tenancy agreement. This is only not the case if a fence or wall forms a boundary with a highway or communal area. If the customer ends their tenancy, we can ask them to remove their boundary. If they do not, they will be asked to pay any costs that we incur to complete the work.

Boundary walls or fencing installed by a customer without the relevant permissions, will not become our responsibility. In these circumstances, we will repair or remove a fence or wall if the structure is considered dangerous and the customer will be charged for this work in line with our recharge policy.

Shared boundaries between our properties and privately owned homes

If a fence or wall forms a shared boundary with a privately owned property, there is joint responsibility for the maintenance of the boundary between us and the owner.

If we feel that a repair or replacement of a shared boundary is necessary, we will ask the homeowner for permission and a financial contribution towards the cost of the work. Generally, a 50/50 split of the cost is reasonable. If an owner would like to repair or replace a shared boundary, they will need permission from us. We may also be asked to make a financial contribution towards the cost of the work. A decision on our contribution would be made by a HPG surveyor.

If we believe it is necessary to repair or replace any shared boundary, we will give the homeowner an estimated cost for the work and detail the specifications of the material we will use. The homeowner can agree to pay half of this cost or get three separate quotes to a similar specification. If a quote is cheaper but still of a similar specification, we can agree to pay half of this cost and agree for the work to proceed.

Leaseholders

If work to a shared or communal boundary is due to exceed £250 per unit, we will consult with leaseholders. The consultation will be carried out in line with Section 20 of the Landlord and Tenant Act (1985). Please note that leaseholders cannot refuse permission for works to proceed because we have a responsibility under the lease to complete necessary repairs or replacements.

Responsibilities

The table below gives an at-a-glance look at different boundary scenarios and explains how responsibility is shared in each situation.

Boundary	Scenario	Boundary structure ownership / maintenance responsibility
Boundary one This boundary is in a back garden between the properties of two customers.	Scenario one One of the customers moves out of their property and there is no boundary left in place.	We will mark the boundary using four-foot/1.2m chain link fencing, with concrete posts. Where properties are adjoining, we will install a six-foot/1.8m square timber privacy screen along the line of the adjoining wall at the back of the property. We will also consider the best solution for a new boundary, including hedges. Once we have installed a new boundary, the customers on either side will then be responsible for maintaining it.
	Scenario two The boundary in place is the one that we originally provided and have previously maintained.	The customers on either side of the boundary are responsible for maintaining it.
	Scenario three A customer has installed the boundary.	The customer who installed the boundary is responsible for its maintenance. If they leave the property, this becomes our responsibility.
	Scenario four No boundary is present.	We will mark the boundary using four-foot/1.2m chain link fencing, with concrete posts. Where properties are adjoining, we will install a six-foot/1.8m square timber privacy screen along the line of the adjoining wall at the back of the property. We will also consider the best solution for a new boundary, including hedges. We will confirm who is responsible for maintaining either side of a dividing boundary once work has been completed.

Boundary	Scenario	Boundary structure ownership / maintenance responsibility
<p>Boundary two</p> <p>This boundary is between a customer's home and a public highway or footpath.</p>	<p>Scenario one</p> <p>There is no boundary in the front garden.</p>	<p>We do not install front garden fences. It is the responsibility of the customer to arrange a boundary.</p>
	<p>Scenario two</p> <p>There is an existing boundary in the front garden.</p>	<p>This boundary is the responsibility of the customer, unless it poses a risk. We will consider those situations by exception.</p>
	<p>Scenario three</p> <p>There is no boundary at the side and rear of the property.</p>	<p>We will install an appropriate fence, considering any planning restrictions that are in place.</p> <p>Once we have installed a new boundary, the customer will then be responsible for maintaining it.</p>
	<p>Scenario four</p> <p>There is an existing boundary to the side and rear of a property.</p>	<p>This boundary is the responsibility of the customer.</p>
<p>Boundary three</p> <p>This boundary is between an occupied property and a garage, field, commercial premises, open land or similar.</p>	<p>Scenario one</p> <p>There is no boundary in place to the side and rear of the property.</p>	<p>We will install a fence that is suitable for the location and any planning restrictions that are in place. We will also consider the best solution for a boundary, including hedges. Once we have installed a boundary, we will maintain it.</p>
	<p>Scenario two</p> <p>There is an existing boundary in place.</p>	<p>We will maintain the boundary.</p>
<p>Boundary four</p> <p>This boundary is between our customer's property and one that is privately owned.</p>	<p>Scenario one</p> <p>There is no boundary in place at the side and rear of the property.</p>	<p>We will mark the boundary using four-foot/1.2m chain link fencing, with concrete posts. Where properties are adjoining, we will install a six-foot/1.8m square timber privacy screen along the line of the adjoining wall at the back of the property. We will also consider the best solution for a new boundary, including hedges.</p> <p>Once we have installed a new boundary, the customer will then be responsible for maintaining it.</p>

Boundary	Scenario	Boundary structure ownership / maintenance responsibility
<p>Boundary four <i>(continued)</i></p> <p>This boundary is between our customer's property and one that is privately owned.</p>	<p>Scenario two</p> <p>There is an existing boundary at the side and rear of the property.</p>	<p>This boundary is the responsibility of the customer.</p>
<p>Boundary five</p> <p>This boundary is a fence or gate in a communal area.</p>	<p>Scenario one</p> <p>Not applicable</p>	<p>We will maintain this boundary.</p>
<p>Boundary six</p> <p>This boundary is a gate at an occupied property.</p>	<p>Scenario one</p> <p>The gate is at the front, side and rear of the property.</p>	<p>This boundary is the responsibility of the customer living in the property. The only exceptions we will consider are situations where there are health and safety concerns.</p>
<p>Boundary seven</p> <p>This boundary is on flats or maisonettes that open onto a public space or footpath.</p>	<p>Scenario one</p> <p>The boundary is on the front or side of the property.</p>	<p>We will assess any risks or vulnerabilities when managing boundary request from customers living in flats or maisonettes.</p>



v1 Mar24