

RE: HRE 2311101 | Boundary and fence erection at LE100XB

Highway Record Enquiries <hre@leics.gov.uk>

Thu 2024-04-04 10:08

To

Dear Andrew,

Thank you for the additional information provided and apologies for the delay coming back to you. Thank you for your patience while all aspects of this matter have been considered together with our legal team. The Council's position is as follows:

1. The Council accepts that based on currently available information, the land is unlikely to be part of the highway. This is primarily on the basis of:
 - a. The absence of any known document explicitly dedicating the land as highway;
 - b. Limited evidence and likelihood of the land being used for highway purposes, meaning it is unlikely to have become highway through public use.

Consequently, despite having been recorded and maintained as if it were publicly maintainable highway over a considerable period of time, the Council would not take action if you were to enclose the land based on currently available information. A note will be added to the Council's records to the effect that it no longer regards the land to be publicly maintainable highway. The grass cutting team will be advised of this outcome, which may result in the maintenance of this area ceasing.

2. The Council's opinion on the highway status is not legally definitive, and is provided on a without prejudice basis. This means that any works would be undertaken at your own risk that this position could change, but this would only be likely if new evidence contrary to the Council's position were to emerge at any point in the future. This may result in any enclosure of the land becoming unlawful, and the Council requiring the removal of any structure(s) obstructing the highway.
3. Prior to undertaking any works, to minimise any future risk to yourself, it is recommended that you:
 - a. Seek advice from the Local Planning Authority (Hinckley & Bosworth Borough Council) to establish any requirements for your proposals from a planning perspective.
 - b. Consult any neighbours who may be affected, to help determine the likelihood of the status of this land being challenged (particularly No. 47 Torridon Way).
 - c. Make enquiries with regard to the presence of any utility assets located on or under the land you are looking to enclose.
 - d. Seek independent legal advice on the exact position of your property boundary, and the nature of your proposals. It should be noted that Land Registry Title Plans only show general boundaries and not exact boundaries ([further information](#)).

I trust this outcome is satisfactory, but should any of the above be unclear please let me know and I will do my best to assist.

Kind Regards

Sarah Greet | Senior Technician
Network Data and Intelligence
Environment & Transport Department
Leicestershire County Council, County Hall, Glenfield, LE3 8RJ
0116 305 7189 | hre@leics.gov.uk | www.leicestershire.gov.uk/hre

From: Sarah Greet [REDACTED] On Behalf Of Highway Record Enquiries
Sent: Wednesday, January 24, 2024 3:34 PM
To: [REDACTED]
Subject: RE: HRE 2311101 | Boundary and fence erection at LE100XB

Dear Andrew,

Thank you for your email, the details of which have been noted.

Please be assured that we will provide you with a full response after seeking advice on this matter.

Kind Regards

Sarah Greet | Senior Technician
Network Data and Intelligence
Environment & Transport Department
Leicestershire County Council, County Hall, Glenfield, LE3 8RJ
0116 305 7189 | hre@leics.gov.uk | www.leicestershire.gov.uk/hre

From: [REDACTED]
Sent: 19 January 2024 19:47
To: Highway Record Enquiries <hre@leics.gov.uk>
Subject: HRE 2311101 | Boundary and fence erection at LE100XB

Dear Sarah Greet

Thank you for your comprehensive reply to my enquiries. However I have a few observations and remarks which I hope you are able to answer or give background for.

The highways adoption map you have forwarded is dated 12/01/2024, which includes the small parcel of land I wanted to return to a grassed area in my garden for a safe place for the grandchildren to play in.

1. Can you confirm when this parcel was adopted and whether permission is required to adopt privately owned land. If so, who gave this permission as it was not a disclosure when we purchased the property recently, rightly or wrongly assuming we could fence the small area in line with the land registry.
2. Based on many other properties in the estate it would appear a precedence has been set, as most seem to have been fenced in a similar way we are requesting, I assume these have been unadopted, can you confirm if this was via a 247 stopping up process or just simply allowed to happen
3. We find it hard to believe that there would be any public rights of way on the small piece of land owned by us as it has existing and long standing boundaries on three sides (north, south and west) which means that there is no reason why any members of the public would need to walk across it as it goes nowhere. Please see the attached map showing these three boundaries marked N, S and W. Also shown is our boundary line marked E, which is the one we would like to fence along. Fig 1
4. I am hoping that you have not formally/legally adopted the piece of land in question and have assumed adoption because you have mown the grass. If this is the case, is it not possible therefore for you to simply stop mowing the grass thereby 'unadopting' it? I am hoping for a simpler way forward here, if possible, rather than having to proceed with the Section 247 route

Please also find attached photographs of these similar plots' fig 2-5. We would very much hope that by trying to do the right thing and asking you for confirmation of our boundary line position, that we are not now being penalized in any way.

We thank you for your consideration of these matters and look forward to your response.

Fig 1 adopted area map with proposed fence position

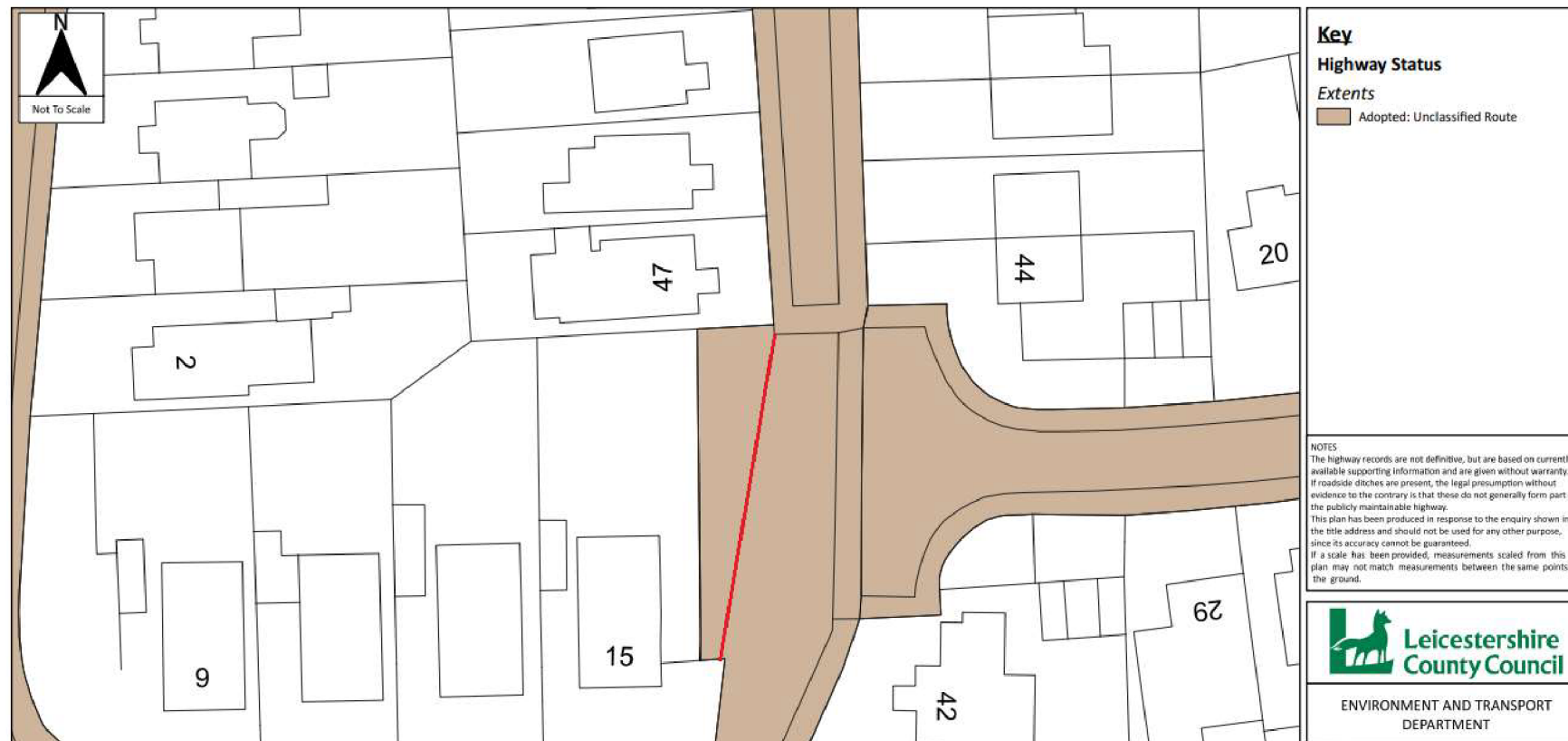


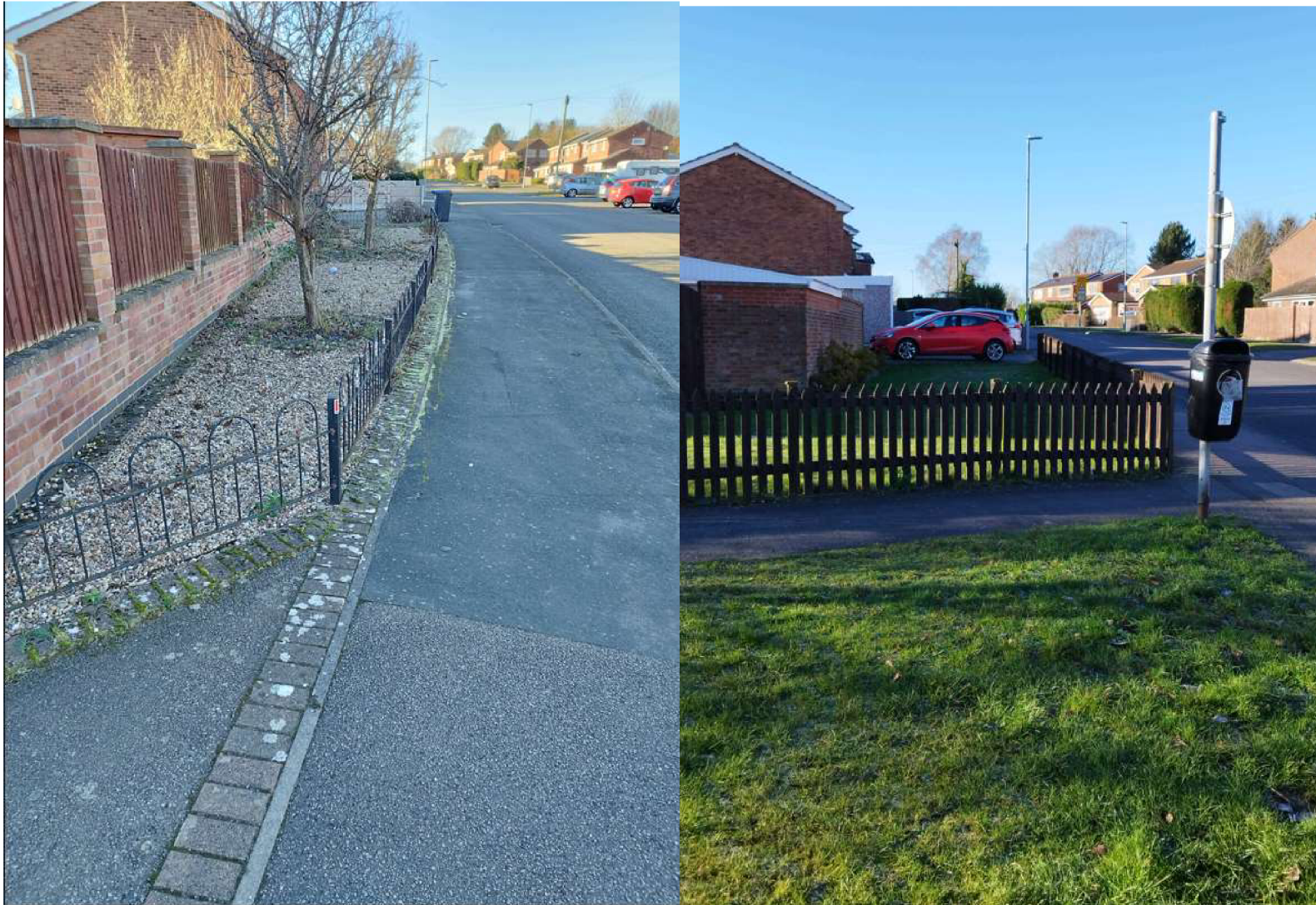
Fig 2 Fig 3



Fig 4



Fig 5



Kind regards

[REDACTED]

15 Aulton Way Hinckley

From: Sarah Greet [REDACTED] **On Behalf Of** Highway Record Enquiries

Sent: Monday, January 15, 2024 2:11 PM

To [REDACTED]
Subject: RE: HRE 2311101 | Boundary and fence erection at LE100XB

Dear Andrew Dabin,

Please accept our apologies for the delay in responding to you while we have sought appropriate advice from the Council's legal department.

My response to your enquiry, including receipt of payment and the highway extent plan are attached.

Kind Regards

Sarah Greet | Senior Technician
Network Data and Intelligence
Environment & Transport Department
Leicestershire County Council, County Hall, Glenfield, LE3 8RJ
0116 305 7189 | hre@leics.gov.uk | www.leicestershire.gov.uk/hre

From: Sarah Greet [REDACTED] **On Behalf Of** Highway Record Enquiries
Sent: 17 November 2023 12:34
To: [REDACTED]
Subject: RE: HRE 2311101 | Boundary and fence erection at LE100XB

Dear Andrew Dabin

Thank you for your email. Please find attached a quotation for a highways search including payment instructions and further information about our service on the second page.

You can pay online by following the instructions on the quote. If you are unable to pay online by card, please let us know and we will request an invoice from our Finance team. **Please do not post a cheque or make a bank transfer until you have received an invoice**, as this will contain the necessary payment instructions.

We aim to respond to enquiries within **15 working days** of receiving your order confirmation:

- i.e. **EITHER** after we have received your card payment **OR** you have asked us to raise an invoice
- **Please note: due to a higher than usual workload across the team, we are unlikely to be able to provide a full response within our usual target of 15 working days at present. We apologise for any inconvenience this may cause.**

Sorry, we cannot accept requests to prioritise or expedite enquiries, therefore you are advised to make any enquiries as early as possible.

Kind Regards

Sarah Greet | Technician
Network Data and Intelligence
Environment & Transport Department
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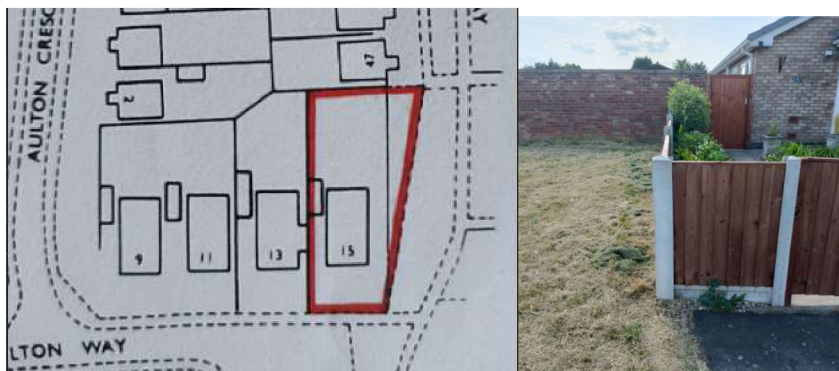
From: [REDACTED]
Sent: 15 November 2023 22:59
To: Highway Record Enquiries <hre@leics.gov.uk>
Subject: HRE 2311101 | Boundary and fence erection at LE100XB

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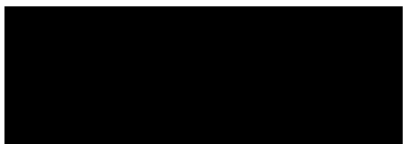
Hi, I am hoping you can help.

- We recently purchased a property at 15 Aulton Way, Hinckley LE100XB.
- The land registry shows a fixed wall to the east of our property with the boundary extending past this onto a green space (detail from land registry below)
- The green space at present has the grass maintained by your services so we assume you own the section past the dotted red boundary line.
- We wish to fence this area as detailed on the land registry document marked by the red line. But wish to check with yourselves before we do this to ensure we get it in the right place
- The fence would be 6ft high or thereabouts.
- Can you confirm that this would be from the front of the property behind ours ,close to the path on an angled line to match to existing hedge at the front of our property (LE100XB)
 - Photo below showing front of neighbours' property, fence and path, we believe our boundary at the rear extends out to this point.
 - I have added a google maps view and marked the brick wall in a black line and have projected to the front of the garden, the red line added shows the proposed fence position which will start from the existing hedge; however it looks like over the years this has grown so we can step the fence in as required to keep to our boundary
 - I have also added a purple line to show the fence line should we install in line with the current hedge and angle to the rear of the property.

Can you please confirm which fence location is acceptable to yourselves as I do not want to end up in a dispute over positioning?



Kind regards



LE100XB

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