



PROPERTY
LITIGATION

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Property disputes can affect an owner's use and enjoyment of their land. They may also place pressure on relationships between neighbours, owners, occupiers and professionals involved in a transaction.

Adams Harrison advises individuals and businesses on a wide range of property-related disputes. We will identify the legal and practical issues, explain the available options and help you decide the best way forward.

Boundary disputes

A title plan only shows the "general position" of a boundary. Resolving a boundary dispute may require careful consideration of historic conveyances, plans, physical features, photographs, witness evidence and expert surveyor evidence.

We can advise on the location of a boundary, encroachment, Land Registry applications and objections, declarations, injunctions and related claims. Where appropriate, we work alongside specialist land surveyors and barristers and help clients explore an agreed boundary before proceedings become necessary.

Easements and rights of way

Rights over another person's land may include rights of way, access, drainage, services or light. Disputes can arise when there are questions over whether a right exists, its route or extent, excessive use, obstruction, maintenance or interference.

We advise both those seeking to exercise a right and landowners concerned about its use. Depending on the circumstances, remedies may include a court declaration, injunction, damages or a negotiated variation or release.

Nuisance and neighbour disputes

Unreasonable interference with the use or enjoyment of property can arise from noise, smells, flooding, building works, trees, overhanging vegetation and other activity. These disputes can be stressful and may become disproportionate if they are not managed carefully.

We can assess the evidence, advise on private nuisance and related claims, communicate with neighbours or their representatives, and seek compensation, settlement or injunctive relief where available.

Restrictive covenants

Restrictive covenants are usually registered on a title and can impose restrictions on how land can be used. We can advise whether a covenant is valid and enforceable, whether a proposed use or existing work amounts to a breach, and what practical options are available.

Those options may include negotiation, consent, release, indemnity insurance where appropriate, court proceedings, or an application to modify or discharge a restrictive covenant.

Trespass

Trespass may involve unauthorised entry, occupation, structures or objects placed across a boundary, or interference with land. We advise on establishing ownership and possession, bringing the interference to an end and pursuing or defending claims for an injunction, possession or damages.

Conveyancing-related professional negligence claims

Problems sometimes only come to light after a purchase, sale or other property transaction. A claim may arise where advice, enquiries or drafting were not handled with reasonable care of your conveyancer or surveyor.

We advise on professional negligence and breach of contract claims connected with conveyancing matters. This includes considering duty, breach, causation, loss, limitation periods and the evidence needed to establish or defend a claim.

If you require advice here, it is best that you seek advice promptly as statutory limitation periods may affect your position.

Resolving your dispute

Court or tribunal proceedings are sometimes necessary, particularly where urgent protection is needed or the parties cannot agree. However, litigation may be expensive, time-consuming and uncertain. We aim to identify the most effective route at an early stage.

Alternative dispute resolution

ADR can give parties greater control over the outcome and may preserve time, money and relationships. We can assist with:

- **Without prejudice discussions** — confidential settlement exchanges conducted with a view to resolving the dispute.
- **Negotiation** — direct or solicitor-led discussions focused on practical terms.
- **Mediation** — a neutral mediator helps the parties explore settlement; the parties retain control of the outcome.
- **Expert determination or arbitration** — potentially suitable where a technical issue needs specialist or binding determination.

Where agreement is reached, we can record it clearly through a settlement agreement, deed, transfer, consent order or other appropriate document.

If proceedings are required

We can advise on claims and applications in the courts, HM Land Registry and the First-tier or Upper Tribunal, as appropriate, and work with counsel and experts where needed.



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The firm's origins go back to 1834.

With such a long and established reputation to live up to, everyone at Adams Harrison is fully committed to putting their expertise and experience at your disposal.

