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# Babergh and Mid Suffolk

## FENCING POLICY

<b>Policy Date</b>	February 2024
<b>Approved by</b>	Deborah Fenton
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<b>Author</b>	BMSDC Building Services

## Contents

1. Introduction.....	3
2. Policy Aims.....	3
3. Councils Responsibilities .....	3
4. Tenant Responsibilities.....	4
5. Tenant Alterations .....	5
6. Repairs.....	5
7. New Fencing .....	6
8. Gates .....	7
9. Front Gardens .....	7
10. Materials.....	7
11. Treating Fencing.....	7
12. Re-Charges .....	7
13. Links and Appendices.....	8
13.1 Recharge Policy.....	8
13.2 Tenants Handbook .....	8
13.3 Property Alteration Request .....	8
13.4 Lettable Standard .....	8
13.5 Standard Fencing Drawings .....	8

## 1. Introduction

This is Babergh and Mid Suffolk District Councils' joint fencing policy. Both Councils are committed to providing an efficient repairs and maintenance service whilst meeting all their legal and contractual obligations as Landlords.

Both Councils are committed to ensuring that current properties are maintained to acceptable standards and meet or exceed the legal minimum Decent Homes standards with regard to structure, repair, modern facilities and services and thermal comfort.

Demand for fencing will always exceed resources available and there is a need for a consistent and transparent approach to manage what the councils are able to deliver to its tenants. The Councils have no statutory responsibility to provide fencing to tenants or to repair fencing.

We will only repair (or renew if it is beyond repair) a rear boundary fence bordering a public area. For example, if the fence forms a boundary to an amenity green, service road or an alleyway which would allow access to the back garden, as this would be deemed a security risk.

## 2. Policy Aims

The purpose of this document is to provide a clear policy to be adopted across both Councils to establish and maintain an agreed standard and a consistent approach for all new and replacement fencing, to assist staff to apply the policy clearly, consistently, and fairly and adopt a proactive approach to advising tenants of their responsibilities and:

- To ensure adherence to the tenancy agreement and tenancy handbook
- To make clear tenant and BMSDC responsibilities.

## 3. Councils Responsibilities

As your landlord, we are responsible for fences, walls and gates that border public highways, paths, amenity areas, and open fields. We are also responsible for fence lines in common areas of blocks or flats.

We will only repair (or renew if it is beyond repair) a rear boundary fence bordering a public area. For example, if the fence forms a boundary to an amenity green, service road or an alleyway which would allow access to the back garden, as this would be deemed a security risk, for example:

- If the fence divides your home from your neighbour's, then **you** are responsible for maintaining it.
- If it divides your home from a public area, then **we** are responsible for maintaining it.

We will repair these items when they are damaged on a like-for-like basis. We will also replace sections of fencing if we are unable to repair it.

Where it would be more cost-effective to replace a damaged brick wall with a wooden fence, we will do so. Where we replace with wooden fencing we will use unstained pressure-treated timber. We do not provide privacy panels.

It is expected that fencing and gates to Void properties will be left in a sound condition by the outgoing tenant. Where fencing is not left in sound condition BMSDC will repair the fencing as required to meet the lettable standard and the outgoing tenant maybe required to pay for these

works under the re-chargeable repairs policy. Full fencing replacement is not anticipated and will only be carried out in exceptional circumstances or as part of a capital investment programme or estate regeneration programme.

Fences and gates will **not** be provided by the Council to separate front and rear gardens. Existing fences and gates to these positions whether erected by the Council or not, will no longer be maintained or renewed by the Councils.

The Councils will not provide new fencing to enclose front gardens. Existing fences and gates to these positions whether erected by the Council or not, will no longer be maintained or renewed by the Councils.

When a **temporary** fence line is required and or for demarcation purposes, only a timber post and 3 strand wire fences will be erected.

Where an existing boundary hedge adequately demarks a Council boundary it will **not** be removed and replaced by a fence, except in exceptional circumstances and only if in the Council's interest to do so.

Fences will not be erected to keep pets, animals, children, or persons in or out of gardens. It is tenant responsibility 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. The Council is not responsible for the security of tenants' belongings kept within garden areas. It is the tenants' responsibility to ensure that their belongings are adequately protected and insured as may be appropriate.

#### **4. Tenant Responsibilities**

Tenants are responsible for fences, walls and gates that **do not** adjoin public highways or paths as well as any fencing or gates around the front garden. Where fence lines are between gardens responsibility between neighbours will be determined by title deeds ,land registry confirmation or local agreement, this applies regardless of whether the neighbour is a private owner or council tenant refer to FAQ's below:

We recommend that you let your neighbours know before you start any work on or near the boundary between your home and theirs. If you are not sure where the boundary of your garden is, please contact the Tenancy Management Team on 0300 123 4000 or e-mail [tenancy.management@aberghmidsuffolk.gov.uk](mailto:tenancy.management@aberghmidsuffolk.gov.uk)

If the fence is between your property and another property, you can discuss this with your neighbour and make a decision as to who will repair the fence or whether to share the costs of the repair between you.

FAQ's:

##### **Q: Can I make changes to the boundary – for example, replace a fence with a hedge?**

Before removing, extending, adapting, or modifying fences, gates, or garden walls you must first request a tenant alteration to obtain written permission.

You may also need to get planning permission from the local authority to erect or add to a fence, wall, or gate; if your home is in a conservation area you may need permission take down a fence, wall, or gate.

**Q: The fence between my home and my neighbours home has been damaged beyond repair – do I have to replace it?**

A: Yes: it is your responsibility and/or your neighbours to maintain a safe and secure boundary between your home and any adjoining home. In the event of irreparable damage to a dividing fence you can discuss this with your neighbour and make a decision as to who will repair the fence.

**Q:Can I paint my fence?**

A: Yes: you do not need to ask us for permission to paint or otherwise decorate your fence, providing the decoration is of a good standard, and your fence is within the boundary of your home.

**Q:The fence between my home and my neighbour's home was blown down by a storm – do I still have to repair it?**

A: In the unfortunate event of damage caused by extreme weather to a fence that you are responsible for maintaining, it is still your responsibility to pay for repairs or replacement. (most insurers exclude storm damage to fence-lines from their cover; however a few include it as an optional extra it is always worth asking when you request a quote for your home content insurance)

## **5. Tenant Alterations**

Alterations to fences and gates erected by the Councils will not be permitted unless agreed in writing following a successful Tenant Alteration application. Where a tenant wishes to alter an existing fence or gate or requires a different height or style of fence or gate to this policy, permission may be given for them to provide the fence themselves. However, the following conditions will apply:

- The Boundary must be the responsibility of Babergh and Mid Suffolk District Councils.
- A Tenant Alteration must be applied for on the appropriate form and approved in writing prior to any work being undertaken.
- Full details of the fence/s to be erected must be provided by the tenant, including a plan clearly identifying the property boundaries to which the application relates, plus the type, materials, height, length and colour where appropriate.
- The fence must be erected on the true boundary line.
- The fence must be erected within the agreed timescale.
- The full cost of all work must be met by the tenant, including any necessary clearance of the boundary line and removal/disposal of the existing fencing.
- The Councils will not contribute to the cost of fences erected by a tenant.
- All boundary fences erected by a tenant will be inspected to approve the finished position, height, quality of materials and the workmanship.
- Where a tenant has (under an approved Tenant Alteration) erected their own fence or gate, the Councils will only renew these after a minimum period of 10 years has expired from the date the fence was erected.
- The Councils will not repair any fences or gates which have been erected by the tenant.

The application of stain or wood preserver in a natural colour i.e. shades of brown or green will be allowed. .

## **6. Repairs**

Where a repair only becomes necessary to an existing boundary fence, this will be carried out like for like in matching materials to that which exists.

When it becomes necessary to replace a section or sections of existing boundary fencing with new, the visiting officer/operative will make a decision as to the work required i.e., whether it should be renewed to match the existing fencing, or whether it should be renewed to the new standards. This decision will be based upon the following: -

- Type and age of fencing.
- Length of the section/s to be replaced.
- Length of the remaining section/s.
- Cost of replacing the dilapidated section/s to match existing.
- Condition of the remaining section/s.
- Estimated life expectancy of remaining Sections
- Cost to replace the total length of fencing to the new standard.

Woven fence panels will only be used as a replacement for existing woven panels where these are damaged beyond repair and where replacement with new fencing to the entire (or a significant length) is not, yet an appropriate option based on the above criteria.

## 7. New Fencing

Fences and gates will not be provided by the Council to separate front and rear gardens. Existing fences and gates to these positions whether erected by the Council or not, will no longer be maintained or renewed by the Councils.

When a temporary fence line is required and or for demarcation purposes, only a timber post and 3 strand wire fences will be erected.

Where an existing boundary hedge adequately demarks a Council boundary it will not be removed and replaced by a fence, except in exceptional circumstances and only if in the Council's interest to do so.

Fences will not be erected to keep pets, animals, children, or persons in or out of gardens. The Council is not responsible for the security of tenants' belongings kept within garden areas. It is the tenants' responsibility to ensure that their belongings are adequately protected and insured as may be appropriate.

All property boundaries which are confirmed to be the responsibility of the Councils, where fences are to be renewed to the whole or a significant length, will be replaced with **1.8m high vertical close boarded panels between slotted concrete posts.**

The only exceptions to the above will be: -

- Where the external doors of adjacent properties face each other, the 1.8m high rear garden boundary fence may be extended if practical to do so, but no further than the front elevation/s.
- **To rear boundaries which separate the property from open fields etc** - consideration to be given to the style and type of fences which exist to the rear boundaries of neighbouring properties.
- Where extraordinary circumstances require that it is necessary for a new fence to be erected which differs from the above standard proposals, approval must be obtained from the Housing Repairs and Maintenance Manager.

## **8. Gates**

No new gates will be provided, or existing gates renewed to front gardens, this is the responsibility of the tenant. If unable to repair they will be removed.

Where access to the rear garden is off of a public or private footpath and the gardens are enclosed by fencing a standard timber gate 900mm wide x 900 or 1800mm high (to match the existing fence height) framed ledged braced and feather edge boarded gate complete with hinges and latch on 100 x 100mm timber posts will be provided.

No new gate openings are to be created and no new gates are to be provided to rear gardens where none have previously existed to give access to rear gardens.

Where concrete restraining posts form gate openings 100 x 50mm timber plates can be used in place of 100 x 100mm gate posts. However, these will be securely bolted to the concrete posts.

## **9. Front Gardens**

The Councils will not provide new fencing to enclose front gardens. Existing fences and gates to these positions whether erected by the Council or not, will no longer be maintained or renewed by the Councils.

If tenants wish to install their own fence they will need to put in an alteration request and the fence should meet the requirements below:

1.0m high feather edge close boarded or palisade fencing may be considered. No fencing in excess of 1.0m high shall be used anywhere in front gardens or in front of the building line.

## **10. Materials**

All timber used for fencing, gates and posts will be pressure treated with a natural colour preservative to provide a minimum 5-year protection. All fencing workmanship, materials and fixings will be as per the individual specifications and drawings appended to this policy.

## **11. Treating Fencing**

Regardless of who is responsible for the fence a resident may treat it with a stain or wood preserver in a natural colour (i.e. shades of brown or green).

Paint is not a suitable fence treatment.

## **12. Re-Charges**

Damage to fencing or gates caused by the tenant or a tenant's visitor will be subject to recharge under the rechargeable repairs policy where it is our responsibility.

Fencing or walls erected by a tenant without permission will not become the responsibility of BMSDC. In these circumstances BMSDC will repair or remove the fence or wall if the structure is considered dangerous and the tenant will be recharged for any works in line with the rechargeable repairs policy.

Where a tenant has modified a fence or wall without permission BMSDC will not be responsible for its repair other than to make it safe, if the structure is considered dangerous. In these circumstances the tenant will be recharged for the works in line with the rechargeable repairs policy

If, after being given reasonable notice, a tenant does not keep in good repair or renew a fence that is their responsibility to maintain under this policy, the council may carry out the works itself and erect a suitable fence, appropriate to the type of boundary, and will recharge the tenant for the cost of the work.

If a tenant fails to maintain their garden and, as a result, damages a fence owned by a third party to the point that it has to be replaced, we may, after giving reasonable notice to the tenant carry out repairs or replacement and recharge the tenant for that element of the cost.

Generally, any work that the council carries out that are the tenant's responsibility under this policy or the conditions of tenancy will be recharged and recovered in line with our recharge policy.

#### **At the end of a tenancy:**

The council will be obliged to remove any fencing or other boundary structure that is found to be in a damaged, unsatisfactory, or unsafe condition. These works will be recharged to the former tenant(s) in line with BMSDC's recharge policy. A member of the repairs & maintenance team will discuss this with the tenant during the pre-void inspection visit.

Any natural boundary hedging exceeding 5'3" at the front of the property and/or 6'6" at the rear of the property and /or dividing boundaries at the end of a tenancy will be cut by BMSDC and the cost of this work will be recharged to outgoing tenant(s). A member of the repairs & maintenance team will inform the tenant(s) of the recharge at the pre-void inspection visit.

### **13. Links and Appendices**

13.1 The following policies and procedures are available on our website:

- Recharge Policy
- Lettable Standard
- Standard Fencing Drawings

To view, visit:

- <https://www.midsuffolk.gov.uk/housing-policies-and-procedures>
- <https://www.babergh.gov.uk/housing-policies-and-procedures>

13.2 Our Tenant Handbook can also be found on our website:

- <https://www.babergh.gov.uk/our-tenants>
- <https://www.midsuffolk.gov.uk/our-tenants>

13.3 Property Alteration Request can be found on our website:

- <https://www.babergh.gov.uk/w/apply-for-alterations>
- <https://www.midsuffolk.gov.uk/w/apply-for-alterations>

If you cannot access the internet, you can request any of the above to be posted to you. Please call 0300 123 4000, option 3.