

There are limitations inherent in the descriptions of property boundaries

Some of the things you need to understand will fall into the category of "I never would have thought of that." Other things will be counterintuitive.

The abstract nature of a boundary

A property boundary is an abstract concept: the boundary is an invisibly narrow line that separates land in one party's ownership from the adjoining land in another party's ownership. The boundary cannot belong to either of these two landowners because there is nothing to own. A landowner may have been covenanted by a conveyance deed to mark the boundary either: in a prescribed way (e.g, by a fence of not less than some height and not more than some other height) or: in a suitable manner at the purchaser's discretion. Such a fence is not the boundary: it is a boundary-marker.

The origin of a property boundary

A property boundary is created when an owner of land decides to divide his or her land and to sell the divided-off pieces. The primary source of information concerning that boundary is the conveyance deed that records the first sale of a divided-off parcel of land. The boundary description found in that "originating conveyance" is referred to as the "paper title boundary" of the date of that conveyance. You may be lucky enough to still hold the historic conveyance deeds relating to the land that you own; if not, then you may be lucky enough to find that Land Registry made a copy of that conveyance deed and can offer to sell you an "official copy" of it; else you will have to conclude that the original conveyance deed is unavailable because it has been destroyed.

Land Registry is only a secondary source of information about boundaries

Land Registry is not the fount of all knowledge about boundaries. Almost everything that you find in a title register or on a title plan is derived from the conveyance deeds that preceded the first registration of title to a parcel of land and from the transfer deeds by which that title was later sold to a new owner. The only information in a title register or title plan that originates from Land Registry is the title number.

Title plans cannot tell you where your boundary is

Land Registry operates a non-conclusive system of "general boundaries" because most of the original conveyance deeds contained ambiguous boundary descriptions. Thus, a Land Registry title plan identifies the parcel of land to which the registered proprietors hold the title, but does not identify the extent of that parcel of land, i.e. it does not identify the exact positions of its boundaries.

Land Registry title plans are based upon Ordnance Survey maps that, by law, cannot "*ascertain, define, alter, enlarge, increase or decrease, nor in any way ... affect, any Boundary or Boundaries of any Land or Property*" (section 12 of the **Ordnance Survey Act 1841**). Thus, nor can the title plan, based as it is on the Ordnance Survey map, ascertain, define, alter, enlarge, increase or decrease, nor in any way ... affect, any Boundary or Boundaries of any Land or Property. The title plan is incapable of telling you exactly where your boundaries are.

The law, in the form of the **Land Registration Act 2002**, tells us:

60 Boundaries

(1) The boundary of a registered estate as shown for the purposes of the register is a general boundary, unless shown as determined under this section.

(2) A general boundary does not determine the exact line of the boundary.

In other words, Land Registry is unable to tell you the exact location of the boundary, only its general position.

Title plans are issued with a warning, which these days is found on the cover page of the official copy of the title plan. It reads:

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from the plan may not match measurements between the same points on the ground.

The first sentence of the above quotation alludes to Section 60 of the Land Registration Act 2002.

The second sentence suggests that the title plan may not be true to scale.

The third sentence warns that the Ordnance Survey map on which the title plan is based may be positionally inaccurate or may be selective in detail, either of which may mislead you when you use it in an attempt to ascertain the true position of the boundary.

Ordnance Survey maps, although much used in describing boundaries, are unsuitable for that purpose

Ordnance Survey maps show physical features found on the ground regardless of whether or not a property boundary follows those features. Ordnance Survey does not investigate property boundaries when surveying those physical features.

Because of the small scale of their maps, Ordnance Survey has to ignore some features for lack of space on the map. In some cases, where two non-attached houses each have a side access way, the map may show only one side access way and omit the other. Where two non-attached houses stand too close together, the map may show the two houses as if they are attached to each other.

It may be that the boundary is related to the ground feature that is shown on the map, and equally possible the boundary is related to another feature that is not shown on the map for lack of space, indeed it is also possible that the boundary is not related to any feature on the map or on the ground (think of the open-plan front garden).

The boundary may follow the face of a feature whose centreline is represented by the line on the map, or the boundary may be displaced to the side of the feature represented by the line on the map. Neither the original conveyance plan, nor the title plan will tell you the relationship of the boundary to the physical feature, if any, that marks the boundary.

The fine line on an Ordnance Survey maps is 0.2 mm wide on the paper. This 0.2 mm scales up to 250 mm wide on the ground if you are using a 1:1250 scale map of an urban area, or to 500 mm wide on the ground if you are using a 1:2500 scale map of a rural area. In addition, the line on the map may have been drawn in a position that is up to 1 metre away from the true position of the ground feature represented by that line on a 1:1250 scale map, and up to 2 metres, sometimes more, on a 1:2500 scale map.

For the above reasons it is unsafe to scale from a title plan, or from the Ordnance Survey map on which it is based, the position of a property boundary.

If you are having difficulty in understanding your boundary:

Seek help either from Jon Maynard Boundaries Ltd or from another boundary expert (try looking at <https://www.ricsfirms.com/helplines/boundary-disputes/>).

Ask your surveyor to make a topographical survey, or measured land survey, to establish the “ground truth” to a far greater accuracy than is offered by the Ordnance Survey map.

If a pre-registration conveyance deed is available, your surveyor will try to relate the conveyance plan or any dimensions found on the conveyance plan, to the ground truth. Sometimes this will confirm a relationship between a particular ground feature and the property boundary.

If such a relationship is not apparent, then your surveyor will have to ask a number of questions to assist in gaining an understanding where the paper title boundary might have been located. These questions might include:

Inferring what was on the ground at the date of creation of the property boundary, where did the vendor intend to place the boundary given the ambiguous description of it in the conveyance deed?

Is there any ground feature, such as a wall or a fence, that might have been emplaced to mark the boundary either when the boundary was created or very soon afterwards?

Are there any documents other than the conveyance deed, such as old aerial photographs, that may throw some light on the positions of ground features at the time the boundary was created?

Has adverse possession come into play? If so, when did the period of possession begin?

Professional advice obtained via a process such as that outlined above will provide a sound basis for any discussion of the boundary with your adjoining landowner.