

## Appendix 4

# Cheltenham Borough Council Fencing, Hedgerow and Boundary Policy



## Version control

**Document name:** Fencing, Hedging and Boundary Policy

Version: 1.1

Responsible officer

- Head of Building Services
- Head of Technical and Investment

Approved by: Cabinet

Next review date: December 2025

Retention period: 6 months from replacement

## Revision history

Revision date	Version	Description
November 2024	1	Draft reviewed by Cabinet Housing Committee
December 2024	1.1	Approved by Cabinet December 2024

## Consultees

### Internal

- Tenant Panel
- Internal cross team consultation
- Heads of Service
- Cabinet Housing Committee

### External

- Market research of Social Housing Sector

## Distribution

Staff, Tenants

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## **1. Introduction**

- 1.1. The aim of this policy is to provide guidance to all staff and customers about our approach to fencing to our customers' homes including CBC's obligations for repair and replacement.
- 1.2. The policy covers how we will deal with requests for enclosing open plan spaces, day to day reactive repairs and requests for replacement of dividing or boundary fencing.
- 1.3. The policy will ensure compliance with the Regulatory Framework for Social Housing in England as adopted by the Regulatory of Social Housing, outlined as:
  - Repairs and Maintenance
    - Registered providers are required to:
      - Provide a cost-effective repairs and maintenance service to homes and communal areas that respond to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time.
      - Meet all applicable statutory requirements that provide for the health and safety of the occupants of their homes.
  - Understanding and responding to diverse needs of tenants
    - Registered providers are required to:
      - Treat all tenants with fairness and respect
      - Demonstrate that they understand the different needs of their tenants, including in relation to the equality standards and tenants with additional support needs.
  - Neighbourhood management
    - Registered providers are required to:
      - Keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.

## **2. Purpose of the Policy**

- 2.1. To clearly set out the obligations of the landlord (Cheltenham Borough Council) and the obligations of tenants and leaseholders.
- 2.2. To provide clarity for CBC staff, tenants and leaseholders through a document which clearly defines the type and standard of fencing adopted when renewal is required.
- 2.3. To set out and define the principle of a "Repairs First" approach to maximise the longevity of existing boundary fences and thus make the renewal of fences to a

higher standard affordable when renewal is required.

- 2.4. To set out a standard approach where fences need renewal that will meet tenant expectation, reduce complaints, improve security and aesthetics, and simplify future repairs with a combined effect of improving efficiency and increasing tenant satisfaction.
- 2.5. To provide a means by which disputes and complaints can be resolved through the application of this policy.

### **3. Scope of the Policy**

- 3.1 This policy will be applied to all rented dwellings owned by the council and tenants living in them.
- 3.2 CBC recognises that fencing is an important issue to tenants and believes, good fences make for better neighbours, and that good fencing can make a positive difference to the look and feel of neighbourhoods as well as improve security and safety.
- 3.3 CBC has consulted with tenants and agreed what CBC's responsibilities are regarding fencing repairs and replacement.
- 3.4 Where CBC has a repairing obligation to external boundary fencing, it reserves the discretionary right to undertake this obligation as a reactive repair, a planned repair or a planned renewal as a "one off" or as part of a programme of works as appropriate. The time taken to complete the work will therefore vary and the tenants will be informed of the anticipated timescales for completion.
- 3.5 There will be occasions where the work is deemed to be of a more urgent nature and the list below, although not exhaustive, provides examples of where work would be expedited:
  - The protection and / or privacy from people of vehicles entering a garden where it borders a busy thoroughfare or public space.
  - Separation of a garden from hazards such as streams or severe changes in ground level at the edge of a property.
  - Where social / health / occupational therapist care services have intervened and recommended that improvement to or renewal of the existing fencing or the installation of a new fence where none was there previously is required to safeguard the tenant/s or a member of their family residing in the property.
  - There is a long standing anti-social behaviour issue and fencing has been recommended as part of the solution.

- 3.6 The policy will apply to boundaries between tenanted property and privately owned property. The title deeds for the property will be reviewed and the ownership established. If the title is not proven or is shared, the costs shall be agreed before works begin and distributed by agreement.

#### **4. Policy Statement**

- 4.1 Fencing Quality Standard – CBC aspires to standardise the type and quality of fencing used across its estates, but financial restraints mean that this cannot happen immediately and practically there is no need to replace fencing that has not reached the end of its anticipated life cycle, has not failed and where reactive repairs will ensure that it remains serviceable.
- 4.2 Open Plan Estates – Many of the social housing estates managed by CBC are open plan i.e., they do not have fencing to the front of the properties and this open plan feature will be maintained as far as practicable. CBC has responsibility for the maintenance of the front gardens on open plan estates and services this responsibility through a ground's maintenance contract. Open unobstructed front gardens facilitate efficient cutting and maintenance. Requests to enclose gardens that form part of open plan spaces will in general be declined and only considered in absolute extreme cases, Where obstructions (Fences, demarcation posts, unofficial drives/parking areas) have been erected/created to front gardens on open plan estates, they will be removed as soon as practical with the ground being returned to open plan and once again becoming part of the ground's maintenance programme.
- 4.3 Empty Properties (Voids and Acquisitions) - CBC will check all fencing whilst the property is void before a new tenant moves into a property to ensure it is secure and free from any health and safety hazards.

The boundary will be checked against the deeds to ensure that it hasn't been moved or altered by a previous tenant or owner.

Work to existing fences of void properties will follow the "repairs first" approach for all existing fences to the front / rear / side gardens, providing the fencing is sound, of suitable quality and constructed from materials that are in keeping with the aesthetics and character of the neighbourhood. Where fences, demarcation posts and / or unofficial drives/parking areas have been erected/created in front gardens on open plan estates then, all such obstructions will be removed, and the front garden returned to open plan as mentioned in 4.1 above.

When only part of a fence is damaged only the damaged section will be renewed, either to match the existing fence or to meet the new standard. CBC Officers will use their discretion when deciding whether to match the existing fence or not, with

such decision dependent on the location and extent of the damage and the impact on aesthetics and character of the surrounding neighbourhood.

Gifting - Where a fence has been erected by the previous tenant and is deemed to be in good condition but not standard, the incoming tenant will be asked if they would like CBC to Gift the fence. In accepting the fence, the incoming tenant would be responsible for future repairs and maintenance, with replacement only occurring when CBC considers it to have reached the end of its life. Any replacement will be to the agreed standard fencing and may not be to the same standard as the “gifted” fence.

- 4.4 Where fencing is installed, CBC will not normally carry out systematic or cyclical maintenance programmes and will only complete repairs to fencing in circumstances where;
- Reported damage has been caused by an expected level of wear and tear
  - Damage is caused by adverse weather conditions
  - Damage has been caused by acts of wilful vandalism, that after investigation by CBC Officers is found not to be the responsibility of the tenant or their visitors.
- 4.5 Where damage is caused to fencing by acts of wilful vandalism and the responsibility can be established, CBC Officers will seek to recharge the costs of any remedial works or renewal to those parties responsible where it is feasible to do so.
- 4.6 Repair first Approach - Where there are existing fences, CBC reserves the discretionary right to follow a repair first approach rather than undertake partial or full renewal. In such instances the repair may be completed in response to a repair request from the tenant as a routine reactive repair (typically smaller non urgent works completed within 15 working days of notice) or as a planned repair (typically larger repair work). The tenant reporting the repair will be notified accordingly as to whether the work will be completed as a reactive or planned repair where a target completion date will also be provided.
- 4.7 Renewal of fencing – where CBC deems a fence to be beyond repair and / or a risk to health and safety, a planned renewal of the defective fencing will be completed as a one off. CBC Officers will use their discretion when deciding whether to match the existing fence or install a section in accordance with the new standard, such decisions will be dependent on the location and extent of the damage and the impact on aesthetics and character of the surrounding neighbourhood.

CBC will only carry out planned fencing renewal programmes when a budget is available to do so. In such circumstances tenants will be contacted in advance before the works are commenced to notify them that their property is included in the

programme.

4.8 Developing planned fencing renewal programmes – as stated above, these will only occur when a budget is available and where this is the case, CBC will first survey the areas under consideration and will decide to introduce new or renew fencing depending upon the following criteria:

- The original fence is no longer in place or is in such a condition that it is beyond repair, and it requires renewal and, to install a new fence will not breach any existing planning/building regulation or interfere with any existing permanent/semi-permanent structure or obstacle.
- The existing fence does not provide adequate security.
- The proposed installation is feasible, practical and affordable.
- Permission has been given by all adjoining residents affected by the fence for CBC or its contractors to access any land as required to complete the new installation.
- Any divisional fencing installed is faithful to the original boundary lines as identified in the property deeds.

4.9 Type / style of Fencing

4.9.1 Existing fencing – CBC has many different types and styles of fencing already in-situ around its properties and estates and in many cases hedges, shrubs, bushes and trees may form the boundary or part there of (see 4.9.2 below). Most fences remain perfectly serviceable and as previously stated, the intention is to repair and maintain these fences wherever practicable. In some circumstances, the type of and style of fencing forms an integral part of the aesthetics and character of the estate, for example, concrete post and chain-link fencing with steel gates, and to make a change to one property would spoil the overall effect and, therefore, in such circumstances repairs and renewals will be on a like for like basis.

4.9.2 Estate Biodiversity - Existing boundary Hedges, shrubs, bushes and trees (commonly referred to as hedgerows hereafter).

CBC aspires to maintain biodiversity on its estates wherever it is practicable to do so and will encourage tenants to maintain existing and plant new hedgerows instead of fencing wherever practicable. However, the maintenance of gardens and boundary hedgerows is a tenant responsibility and as such, the tenant has some choice over what they wish to plant and maintain in their garden and CBC will respect this.

Where fences are to be repaired or replaced, CBC will give consideration to the impact that such fencing may have on the biodiversity of the estate and will actively seek to create means to assist rather than hinder wildlife, for example, gaps will be

left at the base of fencing to allow wildlife (Hedgehogs etc) to roam freely.

- 4.9.3 New fencing standards – In consultation with tenants, a new standard has been agreed for existing fencing that is to be renewed, and the following points set out the standard, the caveat to this being like for like renewals that are required to maintain the aesthetics and character of the area.
- 4.9.3.1 CBC will not install new fencing where there has been none previously unless recommend to do so, see item 3.5 above.
  - 4.9.3.2 All timber used in new fencing will be pre-treated and will not need to be stained or painted. Tenants may stain their fences if they wish.
  - 4.9.3.3 Front Garden fences will be replaced as follows:
    - No fence installed where there is none previously
    - 0.9m timber picket fencing replaced where this exists currently
    - 1.2m Chain link – replaced where this exists currently
  - 4.9.3.4 Rear Garden fences between tenanted properties (each side and back fence)
    - 2 x privacy panels adjacent to or abutting the home (each 1.8m x 1.8m) constructed from concrete post, concrete gravel board and infilled with timber panel fencing (a timber post may be used if abutting/fixed to the home).
    - Remainder of fence line will be to be constructed from concrete post, concrete gravel board and infilled with 1.2m high timber panel fencing.
  - 4.9.3.5 Rear Garden Fences or walls between tenant and private property.
    - Check deeds to establish responsibility
    - If CBC has responsibility, inform the adjoining owner and replace as 4.9.3.4
    - If adjoining owner has responsibility, CBC will write to them informing them if repairs / replacement is necessary
    - If there is shared responsibility, CBC will obtain quotes and inform the adjoining owner and agree an action plan.
  - 4.9.3.6 Demarcation between front and rear of property
    - Fencing and side gates will only be repaired and / or replaced when they were originally installed by CBC
- 4.9.4 Public Space Boundaries - Boundary fencing, where the property is adjacent to a public accessible space, will in general, be of more substantial design providing additional security and resistance to vandalism. In such areas the type and style of the fencing will be chosen to compliment the aesthetics and character of the surrounding area. This type of fencing will not be used for standard divisional fencing.



4.10 Service Charges - Where fencing works on communal areas will cost more than £250 per leasehold flat, CBC will consult leaseholders in line with its statutory obligations under section 20 of the Landlord and Tenant Act 1985 (as amended by the Commonhold and Leasehold Reform Act 2002).

#### 4.11 Tenant Responsibilities

- 4.11.1 Tenants are responsible for the safe enclosure of any pets to prevent escape onto neighbouring properties and highways.
- 4.11.2 Boundary alterations - The tenant must obtain written permission from CBC before commencing alteration to any boundary structure. This includes the taking down, alteration and installation of fences, hedges, trees and walls. The specification and standard for the works must also be agreed with CBC prior to the work starting.
- 4.11.3 It is the tenant's responsibility to ensure all other necessary approvals, for example, planning permission and/or building regulations are in place prior to work commencing. The landlord (CBC) will not give its permission until these are evidenced.
- 4.11.4 CBC reserves the right to remove fencing or boundaries, and recharge works to the tenant where the fencing or boundary constructed by the tenant is not deemed acceptable, is unsafe or where deliberate damage of the structure has taken place.
- 4.11.5 Any new boundary or fencing erected by the tenant must give due consideration to the setting, appearance and style of the surrounding neighbourhood. If any boundary or fencing erected by the tenant does not fit its surrounding, CBC reserves the right to remove it and recharge the tenant for the costs of this and any reinstatement work.
- 4.11.6 CBC accepts no responsibility for boundary structures installed by the tenant and will have no obligation to maintain, repair or renew and such responsibilities will remain with the tenant.
- 4.11.7 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, CBC may carry out the works itself (repair, remove or renew), and will recharge the tenant for the cost of this and all associated remedial work.
- 4.11.8 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, CBC may, after giving reasonable notice to the tenant to pay for the replacement of the fence, agree with its owner to contribute to its replacement up to the cost of providing a four-foot chain link fence and recharge the tenant for that element of the cost.
- 4.11.9 A tenant is responsible for keeping any trees, bushes or flowers maintained and not allowing any such foliage to cause any damage to fences, or walls belonging to CBC. The tenant is responsible for any damage caused, for

rectifying such damage or CBC will do so and re-charge the tenant.

4.11.10 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.

4.11.11 At the end of a tenancy CBC 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 CBC's recharge policy.

## **5. Accountability and Responsibility**

CBC's responsibilities once a repair or renewal request has been received are:

- 5.1 To establish ownership of the boundary structure.
- 5.2 To respond to the repair request in accordance with priority targets:
  - Emergency – respond within 2 hours, complete within 24 hours
  - Urgent – complete with 5 working days
  - Routine – complete with 15 working days
  - Planned Work -time frame to be confirmed
- 5.3 To undertake an inspection of the property / fence as and when appropriate to do so.
- 5.4 To communicate with the tenant / residents and inform them of what work, if any is to be done.
- 5.5 Issue recharges or service charges as necessary.

## **6. Set out clear definitions of acceptable actions/behaviours etc.**

- All staff to read and understand the policies and procedures
- All staff to adhere to policy, give explanations and communicate with tenants.
- All staff to report any damage or changes to fencing while on site.

## **7. Non-Compliance with the Policy**

Financial:

- Repairing and planning for the replacement of fencing will make sure the budget figure is more accurate. The Stock Condition Survey is out of date, but a detailed stock condition survey is being completed this financial year.

- There is a current contract for fencing which gives more accurate prices.
- The standardisation of fencing and the planned approach to the work will allow economies of scale.
- Savings in time and money for staff not dealing with complaints

#### Procedure

- Non-Compliance with this Policy: Colleagues and contractors who fail to comply with this policy will pose a risk to CBC. Training will be provided, and communications will be organised to mitigate against this. Where training and communications are not followed, an informal performance discussion will take place with those responsible and where matters fail to improve a formal performance review will follow.
- Strategic: Good fences that meet the aspirations of our tenants will reduce complaints and over the long term will improve service and provide cost savings.
- Risk in terms of reputational damage - due to complaints which may bring negative publicity.

### **8. Related Policies, Procedures, Quality Standards and Legislation**

- Landlord and Tenant Act 1985
- Commonhold and Leasehold Reform Act 2002
- Housing Act 2004
- Housing Health and Rating System (HHSRS) 2006
- Decent Homes Standard 2006
- The Equality Act 2010
- Homes Standard 2015
- The Safety and Quality standard – Consumer Standards April 2024 (Superseding the 2015 version)
- Tenant Satisfaction Measures 2023 (Updated 2024)

### **9. Consultation/Research Undertaken**

- Tenant Consultation has taken place via the Tenant Panel.
- Cross Team Consultation – a working party consisting of members from Technical and Investment, Repairs, Tenancy Management has met and reached consensus on the policy.
- Cabinet Housing Committee




### **10. Communication, Monitoring and Review of the Policy**

- 11.1 This policy will be shared with CBC staff and will be a public document shared via the CBC Website.

- 11.2 Training will be provided to all staff who may have need to refer to and / or use this policy.
- 11.3 A User Guide including a check list will be developed and issued to all staff visiting properties.
- 11.4 Good fences will help to reduce neighbourly issues if they are maintained to an appropriate standard that meets tenant aspirations but doing so can be costly. As this policy sets out aspirational standards and a firmer approach, for the foreseeable future, it will be reviewed annually to ensure it remains affordable.

## APPENDIX 1:

Images of the fencing most commonly at CBC properties.

Examples of Existing Fencing		
<p>Post and Wire with concrete posts.</p> <p>As per tenancy agreement. With 2 x Privacy Panels</p>		
<p>Chain link with concrete posts. With 2 x Privacy Panels.</p>		
<p>Picket Fencing to front of some properties</p>		
Example of Proposed Fencing		
<p>Concrete post, Concrete Gravel Board infilled with 1.2m timber panel fencing.</p> <p>With 2 x 1.8m Privacy Panels nearest to property.</p>	