# Retired couple's holiday ruined by boundary dispute back home



A retired couple from Tadworth, Surrey, found themselves in a distressing situation while enjoying a holiday in Australia, as they witnessed builders allegedly encroaching on their garden via home CCTV footage. Rosa Bell, 67, and her husband Murray Bell, 72, were visiting their daughter for the first time since the pandemic when footage showed contractors dismantling their boundary fence, uprooting their patio, demolishing their shed, and damaging their plants.

The dispute between the Bells and their neighbours, identified in court documents as Huy Eng Myers and Michael Myers, has been ongoing for several years, originating from a disagreement about the position of a gutter on an outbuilding. Initially, the conflict intensified in 2020 when the Bells sought planning permission for a small extension, which brought to the forefront issues regarding the overhanging guttering from Myers’ property that could affect the Bells' building plans. This led both families to undertake independent land surveys, but the findings varied due to the unclear boundary lines depicted in 'crude' 1930s drawings.

While the Bells were hoping to resolve the dispute amicably, their attempts have largely been futile, with both the police and the local council declining to intervene. Consequently, the Bells decided to pursue their case in civil court after what Rosa has described as a “living hell.” She expressed frustration that their holiday was marred by the builders' actions, remarking, "We saw everything they were doing on camera when we were on the other side of the world... It was like they were teasing us knowing we were so far away."

The incident that escalated in December 2022 marked a significant moment in the boundary dispute, as construction began while the Bells were abroad. Footage captured by the couple's CCTV at their home revealed builders removing sections of the fence and disturbing their well-maintained garden, including the pruning of trees that had been untouched.

The couple, who purchased their three-bedroom 1950s detached home for £670,000 in 2019, attempted to regain control by erecting a new fence upon their return in January 2023, only to find similar encroachments occurring in June when they left for another holiday. Rosa detailed their distress: "We returned home to find more contractors at our property, putting up a new fence... we stopped them by sitting out in the cold on our patio in protest."

Multiple confrontations between the families saw police involvement, yet the situation did not resolve, forcing the Bells to engage a solicitor to mediate. Despite these efforts, the ongoing tensions culminated in a court case in October 2023, where the couple sought damages for the alleged trespass and property destruction. However, the kingston-upon-thames County Court dismissed their claim on technical grounds, stating that the Bells had not sufficiently substantiated their alleged losses, which included claims of emotional distress and damage worth £10,000 without medical corroboration.

With the court’s decision unfavourable, the Bells face the prospect of having to cover the Myers’ legal costs while still asserting their belief in the legitimacy of their claim to the disputed land. Rosa described the emotional toll of the situation, stating, "This is a living hell... we have tried to do everything to rectify... but these people have just taken the law into their own hands."

Huy Eng Myers, who declined to comment further but maintained they had faced harassment, highlighted their perspective on the ongoing conflict. The situation has left both families in a drawn-out and bitter dispute over property boundaries, with each side firmly believing in their respective claims.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://www.the-independent.com/tv/news/tadworth-surrey-neighbours-garden-cctv-b2701488.html> - This article corroborates the story of Rosa and Murray Bell witnessing their neighbours allegedly encroaching on their garden via CCTV footage while they were on holiday in Australia. It highlights the ongoing boundary dispute between the Bells and their neighbours.
* <https://www.google.com/search?q=Tadworth+Surrey+boundary+dispute> - This search provides general information about boundary disputes in Tadworth, Surrey, which can offer context to the Bells' situation. However, specific details about the Bells' case may not be available due to privacy or lack of online documentation.
* <https://www.gov.uk/boundary-disputes> - This UK government webpage explains how boundary disputes are typically handled, including the role of land surveys and legal actions. It supports the Bells' decision to undertake independent land surveys and pursue legal action.
* <https://www.citizensadvice.org.uk/housing/problems-with-your-home/boundary-disputes/> - Citizens Advice provides guidance on resolving boundary disputes, including involving solicitors and going to court. This aligns with the Bells' actions in engaging a solicitor and pursuing a court case.
* <https://www.kingston.gov.uk/info/200026/courts_and_legal/273/civil_court_cases> - This webpage from the Kingston upon Thames council explains the process for civil court cases, which is relevant to the Bells' court case in October 2023. However, specific details about their case may not be publicly available.
* <https://www.noahwire.com> - The original source article from Noah Wire Services provides detailed information about the Bells' situation, including their experiences with the boundary dispute and legal proceedings. However, it does not offer external corroboration beyond the narrative provided.
* <https://www.walesonline.co.uk/news/uk-news/couple-watched-neighbours-steal-garden-31039709> - Please view link - unable to able to access data