# court orders removal of patio and heating pipe in oxfordshire neighbour fence dispute



A dispute over a fence has escalated into a significant legal battle between two couples in Wardington, Oxfordshire, involving demands for the removal of a patio and central heating system. The case centres on Helen Faber and Dominic Miles, who returned to their country cottage, Pear Tree Cottage, valued at approximately £375,000, after a period residing in France, only to find that their neighbours, Richard and Katherine Reid, had erected a fence that they claim reduces access to a shared right of way.

The conflicts began upon the couple's return, as they discovered the new fence had narrowed the path leading to their garden by 40 centimetres, thereby complicating their ability to transport items such as a picnic tray laden with food and drinks. They expressed that the ‘narrowing’ of the 4ft-wide path was a 'nuisance', affecting their enjoyment of the outdoor space.

Court proceedings commenced amidst allegations of aggressive confrontations, with one incident in November 2021 reportedly involving Mr Miles acting aggressively towards Mrs Reid. The matter was brought before Judge Melissa Clarke at Oxford County Court, where the couple sought to establish that the fence interfered significantly with their right to access the shared path.

However, the judge ruled against them, stating there was no substantial interference caused by the fence and ordered Mr Miles and Ms Faber to remove their back patio as well as an oil pipe supplying their central heating. The judge classified the patio and oil line as trespasses on the Reids' property, asserting that the couple had acknowledged the right of way belonged to the Reids.

The dispute has now progressed to the High Court, with an appeal against Judge Clarke’s decision. During proceedings, Mr Justice Richard Smith heard arguments from both sides. The legal representatives for Ms Faber and Mr Miles claimed that their prior neighbours had not objected when the heating system was installed, suggesting that the Reids could not later demand its removal.

Stephen Taylor, representing Ms Faber and Mr Miles, argued that the previous owners of the Reids' home had tacitly accepted the oil pipe’s placement, leading to expectations that it was permissible. He also contended that the current fence configuration significantly obstructs movement along the pathway, particularly when carrying large items.

In contrast, Anya Newman, representing the Reids, defended Judge Clarke’s ruling, noting that the changes from the previous fence were minor and did not substantially interfere with the right of way as it exists for foot traffic. Newman highlighted that the right of way’s specifications only covered pedestrian traffic, without any allowance for vehicles or large items.

The dispute appears deeply rooted in the dynamics of neighbourly relations, with previous grudges and perceptions likely influencing the current situation. Mr Justice Smith has reserved his ruling on the matter and will deliver a decision in due course, which may set important precedents regarding property rights and neighbourly disputes in the UK.

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

## Bibliography

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* <https://www.dailymail.co.uk/news/article-14682275/couple-try-sue-neighbours-fence-interfered-garden-picnics.html?ns_mchannel=rss&ns_campaign=1490&ito=1490> - Please view link - unable to able to access data