

# Getting Access To Adjoining Land

Property owners proposing to carry out works may need access to an adjoining property. This can be temporary or permanent and can be for a variety of reasons, e.g. routing of storm water and services and carrying out works in areas not accessible from the owner's own property.

Temporary access is generally granted by way of a licence, while permanent arrangements generally involve an easement. In either case, there are many complex legal and practical issues to resolve, about which legal advice is generally required and best obtained sooner rather than later.

As a first step, a party seeking access to an adjoining property should initiate negotiations with its owner. As a last resort, various laws permit courts to order access to an adjoining property. A court will not necessarily do this and it is unlikely that such an order would be made without reasonable efforts having been made to negotiate an agreement on reasonable terms. In most cases, the applicant can expect to pay compensation and bear the costs of the application.

The first thing an owner requiring access should do is to contact a lawyer to request legal advice, to minimise delays and to ensure that the owner obtains useful rights. We have dealt with many such matters and could assist.

**Prepared by Bannermans Lawyers**

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