

**Q** We recently had a few of our rooms painted with Valspar Premium matt paint. A few days later, we noticed an unpleasant odour coming from the painted walls – a little like cat urine. The smell is exacerbated when the weather warms up. We don't think it is anything to do with our walls, as we also painted a wooden picture frame with the paint, and now that is emitting the same smell.

We contacted the manufacturer, which suggested sealing the walls and repainting, but would not accept responsibility. Our decorator has offered to repaint. He feels let down, as he has used a lot of Valspar, but his sales agent has washed his hands of it. Do we have the right to ask for compensation from Valspar?

Kerry Harper, via email

**A** Claims over the quality of the product will generally be against the retailer or supplier, rather than the manufacturer. If a product is bought by a consumer from a retailer, the buyer can make a claim under the Consumer Rights Act against that retailer if the product is not fit for purpose. Where the product is supplied by a trader as part of a contract, the trader is responsible for its quality, so claims should be directed to them. If a manufacturer guarantees its product, consumers may claim on this instead. A guarantee usually sets out remedies and, if there is a problem, lets the manufacturer select the solution.

Where a supplier or trader does not accept that a product was unfit

## QUESTION OF THE WEEK

for purpose, the consumer may want to get an independent opinion to assess the product. The cost of doing this should be proportionate to the likely value of any claim. The consumer should also agree with the supplier the specific party that will be instructed to provide the opinion, as this will avoid disputes about their expertise.

Under the Consumer Rights Act, if a product proves to be faulty, but can't because of its nature be rejected, the consumer can claim a partial or full refund, depending on whether they have obtained value from that product. They may be able to claim additional compensation for losses they have suffered. The consumer should give the supplier or trader the opportunity to rectify the issue before paying a third party to carry out remedial work.

Which? consumer rights team; [which.co.uk](http://which.co.uk)

**Valspar responds:** Our records show that Kerry contacted Valspar customer service, where she was advised that she must log her complaint with B&Q, as the place of purchase, in order to start the agreed complaint tracking process.

Upon contact with B&Q, Kerry would have been asked to provide details of surface preparation and application, as well as product and batch number. Using this information, Valspar would then be able to perform batch testing of that specific product to investigate and, based on this, take appropriate action. We urge Kerry to contact B&Q customer services on 0333 014 3098.

**Q** I am having building works done and have a skip outside my house. People are dumping items around it: mattresses, old bits of furniture and rubbish. Am I legally responsible for cleaning up the mess?

DM, London

**A** It is an offence to obstruct a public road or pavement, but you are unlikely to be acting unlawfully if you or the skip company have obtained the appropriate licence or permit from the council. If the council says the discarded items are causing an obstruction, it needs to prove who left them there – difficult to do without witnesses or other evidence.

The permit might include conditions about how the skip can be used: restrictions on its size and location, the need to cover it at night and obligations about removing items left near it. These obligations are usually placed on the skip provider, but the company may well have reserved the right to charge you for removing junk in its terms and conditions, so check the small print.

Ed Cracknell, senior associate at Russell-Cooke Solicitors; [russell-cooke.co.uk](http://russell-cooke.co.uk)

**Q** Do you need help from one of our experts? Email your questions to [homehelp@sunday-times.co.uk](mailto:homehelp@sunday-times.co.uk). Advice is given without responsibility.

**Q** Two weeks ago, on returning from a weekend away, we discovered our lawn had been dug up, probably by a badger. Gentle forking revealed a handful of chafer grubs. We tried in vain to destroy the infestation by spraying the damaged grass area with nematodes (roundworms). We'd like to restore our cherished lawn by reurfing now or reseeding in the spring. How can we destroy these chafer grubs and prevent a similar fate befalling the new lawn?

Roger Baird, Bristol

**A** Chafer grubs are especially troublesome on new lawns laid over converted pasture or rough grass, as the soil-dwelling grubs feed on the roots of the turf. As you've discovered, they are a delicacy that badgers gorge on, as do birds and foxes. Nematodes are the best solution, but for maximum effect, apply them as a preventative in July or August, when the roundworms are most active and the chafer grubs are only just getting going. Before laying a new lawn (turf is your best bet at this time of year), cultivation is key. Use a rotavator to break up the ground and leave for a week before levelling to expose the grubs to the robins and blackbirds.

Toby Buckland, garden writer and author of [tobygardenfest.co.uk](http://tobygardenfest.co.uk)

**Q** At the back of my semi, there's a lane I share with two neighbours behind me. Three years ago, they started planting there. The plants are starting to cover the ground on either side of the path. The land is common; it's not owned by anybody. I have asked for the plants to be taken back a couple of feet, but have been ignored. I believe they are trying to claim the land by deception: after 12 years, they will put a claim on it and push out their boundary walls. I don't want to be bothered. How do I use the lane every day to get to the shops. What can I do?

D Williams, Cardiff

**A** First, carry out a Commons search to ascertain whether the land in question is indeed common land. If it is, then section 38 of the Commons Act 2006 will prohibit your neighbours from erecting fences on it; they will be unable to make a claim for adverse possession. The act does not prohibit them from planting shrubs, unless you can show that they are impeding your access.

If it is not common land, your neighbours could try to acquire it by making a claim for adverse possession after 12 years, subject to any rights you may have acquired through your long use of the pathway. If you have been using it continuously for more than 20 years, that may give you an easement over the land by prescription, as long as you have been doing so without force, without permission and openly. You should seek formal legal advice to establish your position.

Meena Gupta, partner at Marsons Solicitors; [marsons.co.uk](http://marsons.co.uk)

**Q** My tarmac drive has developed some small cracks, up to 8in long and 1/4in to 1/2in wide. Can you please suggest a suitable filler?

Alan Chevin, London

**A** Tarmac drives can crack and buckle due to cold or hot weather, or excessive weight from cars. Buy a ready-mixed tarmac such as Tarmac Cold Lay Macadam (£8; diy.com). Before laying, clean the bag in a warm room. Clean the area, removing debris and moisture, pour in the tarmac, tamp down and level. It takes two weeks to fully set.

Steven Zackall, director of 0800 Handyman; [0800handyman.co.uk](http://0800handyman.co.uk)

## TOP TIPS

If you're looking to cut carbs from your diet, a spiraliser is just the thing. Here are the best.

### WINNER

Beffa Spiralfix Spiraliser, 89/100; £30; [ukjicers.com](http://ukjicers.com)

This gadget produces appealing julienne spirals with ease, and uses most of the food, so there's minimal waste. It's comfortable to work with and offers a choice of four spiral widths. The only flaw is that harder vegetables such as sweet potato and celeriac are tricky to process – they need

constant repositioning to create good spirals.

### RUNNER-UP

Chiba Kaiten Japanese Spiraliser, 89/100; £20; [ukjicers.com](http://ukjicers.com)

Produces precise spirals in a good range of sizes and leaves little waste. However, it struggles to cut the harder vegetables. The blades are dishwasher safe, but the instructions for cleaning the appliance are not clear.

■ [goodhousekeeping.co.uk/institute](http://goodhousekeeping.co.uk/institute)



Illustration: Russell Henman

# Home help

Whether you're waging a turf war against chafer grubs, or your neighbours are leading you up the garden path, our experts are here to offer advice