



GEORGE SMITH/ALAMY

# HOME HELP

## WHO IS RESPONSIBLE FOR FALLING APPLES?

My crab apple tree overhangs the pavement and is shedding fruit. Local children are squashing them underfoot, leaving a sloppy mess that I have been cleaning up. Who is actually responsible for cleaning them up – the tree owner (me) or the council, which owns the pavement? Would I be legally liable if someone slipped and injured themselves? *Peter*

If the tree is on your land then you are responsible for the reasonably foreseeable harm that it might cause to

## Crab apples make great jam — but they can also make a serious slip hazard

occupiers of neighbouring land. Such harm could be caused by falling branches, by the action of tree roots on the foundations of buildings, or indeed by puréed apples causing a trip hazard. If the pavement is a public “highway” maintained at public expense then the highway authority has a duty to keep the footpath in good condition, but I suspect you’d be primarily liable for any injury caused by the fallen

apples, especially as you are aware of the risk. If you can show that the danger was caused by the involvement of someone else (ie the children) you might avoid liability for harm that befalls a passerby, as long as that involvement was not a foreseeable and probable outcome. But here your case would crumble as you are aware that there is a regular turnover of children squashing apples underfoot. It is probably sensible that you

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either cut the branches back so that they do not overhang the pavement or regularly clear the path of windfall fruit.

*Ed Cracknell, partner, Russell Cooke; russell-cooke.co.uk*

## LATRINE LESSONS

How do I remove stains in my lavatory bowl that the brush doesn’t budge and without using bleach? *JC*

This is likely limescale, which bleach will not remove – it looks like it is working, but it is just bleaching the limescale and the dirty look will soon return. So pop on some rubber gloves then empty the water from the bowl: use your lavatory brush to push the water down the U-bend or use an old plastic cup and scoop the water out.

Once the bowl is empty, dry the bottom of the pan with an old towel or strong kitchen paper. Next grab some strong limescale remover or, for a more eco-friendly method, citric acid powder. Pour into the lavatory. Leave for half an hour with the lid down then flush the loo to bring water back.

For stubborn bits, rub with steel wool or a pumice stone

then flush again and it should be white once more.

To keep it limescale-free, drop a denture tablet down once a week before you go to bed or when you know your loo is not going to be used for a while, then flush in the morning/several hours later.

*Lynsey Crombie, author of The Easy Life, Welbeck Publishing, £14.99 (@lynsey\_queenofclean)*

## MY NEIGHBOUR’S EMPTY HOUSE IS DAMAGING MINE

We bought a grade II\* listed property eight years ago. It is attached to a property that is grade II listed. It has not been occupied for 12 years (neighbours say the elderly couple who own it moved to Spain and the wife died a few years ago). The problem is we have severe damp coming through the adjoining wall and it is now starting to get into our electrics. Our roofer says their roof is in a poor state – a few years ago some of their tiles fell off, damaging our garden furniture – and we think it may be causing our internal water damage. Also, this year we jumped over the wall to cut down some of their garden as it

was pushing against the old wall that separates us.

I called the council. They said that nothing could be done as the owners pay council tax. A solicitor says you cannot get the roof fixed as this is trespassing. The internal wall is getting crumbly now. Help! *Anonymous*

This is a difficult situation, but there are options you can pursue. As a first step you should identify and document the extent of the damage caused and the potential harm that will be caused if no action is taken. Ideally engage a surveyor or builder to do this. Once you have done this, contact the registered owner; a search of the Land Registry could help to identify them. If they still cannot be contacted your next best option would be to get in touch with your local authority.

Local authorities have extensive powers to rectify damage and ensure the proper preservation of listed buildings. These include s215 TCPA 1990 notices, which specify the work required and deadlines for your neighbour to complete the work. They can also require neighbours to

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act using urgent works notices and repairs notices once certain conditions are satisfied. There are several options available should your neighbour refuse to act, such as the council gaining rights of entry over the property, carrying out the work themselves, or taking steps to renovate and bring the property back into use under an empty dwelling management order.

If the council declines to act, you do have limited powers to carry out the works yourself at your own cost.

Regarding the garden wall, first determine if it is classified as a party wall: consulting your solicitor and title deeds will help if you are unsure. The Party Wall Act 1996 legalises some acts that would otherwise be trespass, provided your neighbour is given notice and the act’s other requirements are followed. For non-party walls and damage to the house, consider an application under the Access to Neighbouring Land Act 1993. This may allow you to gain access and consent for the

work required to preserve your property.

*Henry Stuart, residential property partner, with the assistance of the trainee Rachel Eatough, Withersworldwide, withersworldwide.com*

## HOLEY MOLEY

Do you know a reliable way of getting rid of moles? *Paul Gibbs*

Sadly the only reliable way of getting rid of moles is to kill them. This is a fairly

your fingertip and wipe on the nearest newspaper. Sip and refill the glass regularly all evening, do not leave unattended or they will ignore it. This method has been tried and tested.

*Bruce Hunt*

## FUTURE QUESTION

● I worry that storing leftover food in plastic containers may be dangerous. Any alternatives?

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blunt observation, but illustrates the widely held fallacy that pests can be dissuaded or removed by “humane” methods. They cannot and if you are really incensed by them you will have to get your hands literally and metaphorically dirty. Take a pinch of salt with any suggestion that vibrating probes, toy windmills, scents or repellent plants will do anything other than clutter your lawn. A professional pest-control firm will use poison baits or sudden-death spring traps. Live traps, for release of an unharmed mole later, are now regarded as causing unnecessary stress to the trapped animal, which will likely die of exhaustion, stress or dehydration before the trap can be emptied anyway.

On the whole moles are harmless and fascinating wildlife. They are carnivores that eat worms and insects, and do no harm to plant roots. They may throw up the odd jumble of topsoil in a few unsightly mounds, but I’d be thrilled to find them in my presently mole-free garden.

*Richard Jones is the author of House Guests, House Pests (Bloomsbury, £9.99); bugmanjones.com*

# INSPIRE

HOME OF ORIGINAL THINKING

## Taking the city with you

There is no question that the way we view our homes has changed dramatically since the start of the pandemic forced us to adapt our daily lifestyles to accommodate new ways of living and working. This has not only caused us to re-evaluate the functionality of our homes, it has prompted us to reconsider our location, with many people looking to relocate to the countryside. The shift in focus from urban to rural living is taking the homebuying market by storm. However, that’s not to say that we have to leave our city lifestyles behind us completely.

### Changing motivations

As part of a recent webinar looking at the future of town and country living, Strutt & Parker reached out to potential homebuyers to find out more about their motivations for moving, and the features they would now consider essential in a new home. Rather unsurprisingly, the main priority for those looking to relocate was the desire for green space – whether this be a house with a garden, or a home in a countryside location. The second priority was living space. With

so many of our homes now doubling up as workspaces, people are looking for larger living spaces, spare bedrooms and home office potential. The remainder of responses were all in some way centred around connectivity – moving closer to family or friends, the desire to be based within a community environment or to maintain the ability to stay connected digitally. So does a move to the country have to be a hard-and-fast switch, or is there the possibility of merging these lifestyles to factor in our priorities, new and established?

### Urban nostalgia

In our current climate, the city is not able to function as it once did. Iconic elements of city life such as the morning commute, arts and culture, international travel links and eating out have all been limited by restrictions. This has made it all the more difficult for city-dwellers to adapt to the changing circumstances than those in the country, whose everyday lifestyles did not rely so heavily on such activities.

Those who would once have spent ten percent of their time in a house or a flat are now being forced to spend a far greater majority of their time there due to reduced office capacity and home working schedules – a feat which for many, is proving unsustainable. We consider how homebuyers might be able to achieve the best of both worlds – taking their favourite elements of their city homes with them to the countryside.

**Working space:** remote working is likely to continue. Creating a separate, dedicated home office space is important not only for productivity, but also for your mental health, helping you separate work from home life and enabling you to close the door on your office at the end of the working day. **Introduce technology:** what do you miss most about your office? The multiple desktop screens, the video conference technology or perhaps just the coffee machine? Whatever it is you valued most, now is your chance to invest in your own office space, adapting it to work for you.

**Let the light in:** skylights and full height windows will help sunlight reach every corner of your country home, enhancing the space and adding a touch of modernity, reminiscent of those glass buildings and office blocks you left behind. **Keep it sleek:** modern, urban properties are often decorated in light colours that provide a clean, spacious and airy feel. Opting for white walls and pale floors is a great way to give your country home a lift, saving it from feeling stuffy and dated. **Capitalise on your social spaces:** Staying in is the new going out. Opening up your downstairs living spaces will enable you to achieve a flexible social space, providing variation on what you can enjoy indoors.

Read more about Strutt & Parker’s predictions for the future of homes and living spaces, in the town and country, at: [struttandparker.com/inspire](http://struttandparker.com/inspire)



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