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Case summary

Case ID

UKSC/2024/0044

Parties

Appellant(s)

(1) Richard John Ridley (2) Sarah Louise Ridley

Respondent(s)

Alistdair Barclay Brown

Issue

What is the period of ten years in which an applicant for registration as the owner of land over on the basis of adverse possession must hold the reasonable belief that they were the owner of that land under paragraph 5(4)(c) of Schedule 6 of the Land Registration Act 2002?

Facts

Mr Brown (the respondent) is the registered owner of land lying to the west of the Promenade, Consett, County Durham, which he purchased in September 2002 (“the Brown land”). Mr and Mrs Ridley (the appellants) are the registered owners of a neighbouring plot of land, which they purchased in July 2004 (“Valley View”). A previous owner of Valley View had put up a fence and planted a hedge along what he understood to be the boundary between the Brown land and Valley View, but which (as the parties now agree) actually enclosed part of the Brown land as registered (this strip of land being the “disputed land”). The Ridleys used the disputed land first as part of their garden and later as part of the site for the erection of a new house (into which they eventually moved). Planning permission for the new house was granted in early 2018. The fence and hedge were removed later that same year in preparation for the necessary construction work. In October 2019, Mr Brown gave notice to the Ridleys that he considered the construction work to be in breach of the Party Wall etc. Act 1996. In December 2019, the Ridleys applied to the Land Registry to be registered as the owners of the disputed land on the grounds that they had been in adverse possession of it for the requisite period of time per the Land Registration Act 2002. Mr Brown objected to their application. The Land Registry referred the matter to the First-Tier Tribunal, which sided with the Ridleys. Mr Brown appealed, and won in the Upper Tribunal. The Ridleys now appeal to the Supreme Court.

Date of issue

21 March 2024

Judgment appealed [\[2024\] UKUT 14 \(LC\)](#)

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