

Regaining possession of land from trespassers or squatters



What to do to mitigate your risk and recover your land as soon as possible

Having trespassers on land can disturb neighbouring tenants, delay redevelopment and result in huge costs from clearing waste/fly-tipped material (and dealing with any resulting environmental contamination) as well as the costs of repairing the damage caused to your property.

If you discover trespassers on your property, take these steps before instructing Osborne Clarke to avoid delays and minimise any losses.

Remember - you will not always need a court order - if your site is open land, you can use "reasonable" force to remove the trespassers. We work with several Enforcement Agents who can help you achieve this. You should also contact the [police](#).



What should you do?

Have you asked them to leave?

You must first have asked the trespassers to leave the land before being able to remove them either by force or with a court order. You can do this yourself or instruct a bailiff to serve notice.

What to do next?

If they don't leave when requested, at this point you should contact us ready with the following information:

- the (estimated) number of squatters, including any children, vehicles or animals;
- details of how they accessed your site and photos of their occupation;
- explain how you became aware of the trespassers and any conversations that have taken place;
- a copy of the notice served by you/your bailiff requesting the trespassers leave; and
- details of any threats of violence, harm to life or damage to property (the "exceptional circumstances" which could entitle you to issue in the High Court).

Armed with this information, we can action the most appropriate method of enforcement.

Method of Enforcement

Possession Proceedings

These will be issued either in the County Court or the High Court if we can make out the required "exceptional circumstances".

Interim Possession Order

This is applied for contemporaneously when issuing in the County Court and used when regaining possession is urgent, but the "exceptional circumstances" do not apply.

Logistic Report

Our report "[Unpacking the future of logistics](#)" explores how a growing logistics sector needs to comfortably co-exist with the surrounding communities. Having a positive social impact brings the "S" in an ESG policy to life and delivers tangible business advantages which includes successful management of issues caused by trespassers.



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