





Why “Setting out” your boundary from a title plan is WRONG

“Setting out” is a technique used by land surveyors working in support of the construction and civil engineering industries. The technique takes an abstract design (e.g. an architect’s plan) from the drawing board (in practice, from a CAD drawing) and marks upon the ground the position in which the drawing specifies that the thing which is designed should be built.

A boundary is not an abstract design. It already exists on the ground. Sometimes the physical evidence for it may have been destroyed, or the boundary may never have been physically marked.


A boundary is created when a larger piece of land is divided for the purpose of selling a part or parts of it into separate ownership. Any attempt to mark the boundary on the ground should be based on the description (admittedly it is often an ambiguous description) found in the conveyance deed (if the land was unregistered at the time) or in the transfer of part (if the land was registered at the time) that attended the sale of land that created the boundary.


 The conveyance plan or the transfer plan is usually conceptually inadequate for the purpose of setting out the boundary because of its inherent ambiguity and lack of precision.


 The conveyance plan or the transfer plan is also unsuitable in practical terms for the setting out process because it is usually not available in the form of a CAD drawing.


Setting out is therefore an inappropriate method for marking out a boundary upon the ground.


In spite of this it is often suggested that a boundary may be marked on the ground by setting out its position as shown on a title plan, using a digital version of the Ordnance Survey map as a surrogate for Land Registry’s title plan (which title plan is of course based upon the Ordnance Survey map). The suggestion is so out of sympathy with the basis of land registration in England & Wales that it is completely inappropriate.


 Land Registration in England & Wales is based on the principle of general boundaries: set down in section 60 of the Land Registration Act, 2002.


 Section 5 of the Land Registration Rules 2003 requires that descriptions of registered estates must refer to a plan based on the Ordnance Survey map and known as the **title plan**.


 Section 12 of the Ordnance Survey Act, 1841 tell us that Ordnance Survey maps “*shall not extend, or be deemed or be construed to extend, to ascertain, define, alter, enlarge, increase or decrease, nor in any way to affect, any Boundary or Boundaries ... of any Land or Property*”.

 There are accuracy limitations inherent in any mapping. In the case of Ordnance Survey maps surveyed for publication at 1:1250 [or for 1:2500] scale an accuracy of better than 400 mm [900 mm] should not be assumed and inaccuracies in excess of 1000 mm [2000 mm] may be encountered.

 Attempting to set out a **general boundary** using a digital version of an Ordnance Survey map will not provide the position of the boundary.

 It will set out the position of a physical feature as mapped by Ordnance Survey.

 The line will be accurate to within about ± 2 m of the true position of that physical feature.

 **This line is not the true position of the legal boundary.**

Are there any circumstance when setting out is an appropriate method for marking out a boundary?

Yes. When the position of a boundary is the subject of a Court Order that describes the boundary by reference to a highly accurate plan that has been prepared as a CAD drawing by a qualified land surveyor then it is entirely appropriate for setting out to be used as a means of marking that boundary onto the ground.