



# Gardeners Briefing

## The plant that could steal thousands of pounds from you

As we enjoy a typical summer of warm weather interrupted by showers every other day it becomes a struggle to keep the lawns cut and the borders neat and tidy. The weather is perfect for plants to thrive, however nature isn't that choosy and unfortunately whilst the wet weather is welcome to give flowers a helping hand, it certainly isn't welcome in terms of its assistance in helping unwanted weeds to grow.

Japanese knotweed doesn't need a great deal of assistance to grow. It now covers most of the United Kingdom having spread as an invasive species since its introduction in 1825 as an ornamental plant from Japan. The Royal Horticultural Society (not noted for its dislike for plants) describes 'Fallopia Japonica' (Japanese Knotweed) as an attractive thug due to its ability to spread rapidly.

Having an attractive weed in your garden isn't that much of a problem you may think as the nineteenth century philosopher and poet, Ralph Waldo Emerson once said "What is a weed? A plant whose virtues have never been discovered". However, the presence of Japanese Knotweed in your garden goes way beyond that of aesthetics, as the 'attractive thug' can steal thousands of pounds from the value of your home simply because of its presence.

The UK Government has also introduced legislation enabling local authorities and police to use anti-social behaviour orders on owners of property that do not get a Japanese knotweed problem in hand and could result in a fine up to £2,500 for individual property owners and up to £20,000 for a company.

Mortgage companies and banks are also reportedly not lending on properties that contain Japanese knotweed meaning that the value of the property can be significantly reduced as a consequence.

Removing the plant isn't that easy either as it is an offence to move the soil containing the plant because this can be construed as planting it elsewhere.

The losses incurred as a result of property valuation reduction, treatment costs for removal and any other losses incurred as a result of the plant can be recovered so long as the person or company that caused the plant to be on your property can be traced.

JMP Solicitors act on behalf of clients throughout the United Kingdom in connection with losses incurred through the presence of Japanese knotweed and typical places where the plant grows freely onto neighbouring property is along railway lines, along canals and waterways and properties adjacent to properties or land that have been left to grow wild.

New homes are unfortunately not exempt from the potential of the plant from undermining the construction through its presence as we have recently received a claim where the knotweed is growing out of the wall of a new home as a result of the building contractor taking short cut measures to clear the site from the weed, rather than instructing appropriately qualified treatment companies.

Anyone wishing to discuss a potential claim arising from knotweed on their property should call Sam Towle on 01476 565 295 or email [samt@jmp-solicitors.com](mailto:samt@jmp-solicitors.com)

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