

# HIGH HEDGES GUIDANCE NOTES

Guidance notes to accompany the complaint form over a High hedge under Section 8 of the Anti-social Behaviour Act 2003. Use these notes to help you fill in the form when making a complaint about a neighbouring high hedge.



**bromsgrove council**  
www.bromsgrove.gov.uk

**You should have already followed the steps suggested in the guide 'Over the garden hedge' and read the leaflet 'High hedges: complaining to the Council' before making this complaint. Consideration of your complaint will be delayed or rejected if you do not complete the form properly or do not provide the information requested. If you are unsure how to answer any of the questions, please contact a Tree Officer on 01527 881320 or 881321 or email [trees@bromsgrove.gov.uk](mailto:trees@bromsgrove.gov.uk).**

## **1. Address and Position of the 'problem hedge'**

Please provide the correct postal address wherever possible. If the site where the hedge is growing does not have a postal address, use the box to describe as clearly as possible where it is, eg 'Land to rear of 12 to 18 High Street' or 'Park adjoining Nonesuch Road'. Please describe the position of the hedge affecting you so that it can clearly be identified and distinguished from any other hedges on the same site. In each complaint, the Council can only consider a hedge in one ownership. If you are complaining about one or more hedge in different ownerships then separate complaints per hedge owner will be required.

## **2. Criteria for making a complaint**

### *About the hedge*

- The hedge must act, to some degree, as a barrier to light or access even if it has gaps in it. This includes access to a view or outlook. If the hedge has gaps in it above 2 metres height, these will be taken into account in assessing the extent to which the hedge affects the complainant's property.
- The hedge must consist of two or more trees or shrubs and these must be roughly in line. A complaint cannot be accepted about single trees or shrubs, whatever their size or about climbing plants such as ivy.
- The hedge must comprise wholly or predominantly evergreen or semi-evergreen trees or shrubs. To be regarded as evergreen or semi-evergreen, the hedge must retain some live foliage throughout the year. Deciduous trees which retain their leaves in the winter, such as beech and hornbeam, are excluded from the Act.
- The hedge must be over 2 metres high. This should be measured from the natural ground level of where the hedge is growing. If the hedge is growing in an artificial structure such as a raised bed, then the measurement will be from the ground level of the structure.

### *Who can complain*

- You must be the owner or occupier of the property affected by a high hedge in order to make a formal complaint to the council.
- If you do not own the property (eg because you are a tenant or a leaseholder), you can still make a complaint. But you should let the owner (eg landlord or management company) know what you are doing.
- The property does not have to be wholly residential but must include some living accommodation otherwise we cannot consider the complaint.

## **3. Attempts to resolve the complaint.**

Please keep the descriptions brief but say how you made the approach (eg face to face, phone, letter) and what the result was.

### ***Example 1***

- 12 March 2005 - phoned to ask if we could discuss hedge. Met on 19 March but we couldn't agree a solution;
- 15 April - mediators visited;
- 29 April - met neighbours and mediators. But still couldn't find an answer we were both happy with;
- 14 May - wrote to inform neighbour would be complaining to council.

### ***Example 2***

- 12 March 2005 - wrote to ask if we could discuss hedge. 2 weeks later still no reply;
- 9 April - wrote to ask if would speak to mediator. 2 weeks later still no reply;
- 7 May - wrote to inform neighbour would be complaining to council.

### ***Example 3***

- 12 March 2005 - saw neighbour in their garden and asked if we could discuss hedge. Neighbour came round on 19 March. Saw the effect of the hedge for themselves. Sympathetic but unwilling to reduce the hedge as much as we wanted;
- Neighbours willing to try mediation but discovered that neighbour mediation not available in our area. We live too far from the nearest service;
- 23 April - saw neighbour again and told them that, if we couldn't agree a solution, we would make a formal complaint to council. Left it for a couple of weeks then confirmed in writing that we would be going ahead with the complaint.

It is not necessary to send copies of all correspondence with your neighbour about the hedge - especially if the dispute is a long-running one. You need only provide evidence of your latest attempts (over e.g. the last four months) to settle it. You are advised to ensure that you are able to prove that the described steps have been carried out, particularly if the hedge owner is likely to dispute your description of events. If there is any doubt over whether the attempts have been made as described, then your complaint may not be accepted.

#### **4. Grounds of complaint**

It will help if you provide as much information as you can but keep it factual. Remember that a copy of this form will be sent to the person who owns the site where the hedge is growing, and to the person living there if they are different people.

Concentrate on the hedge and the disadvantages you actually experience because it is too tall.

We cannot consider problems that are not connected with the height of the hedge. For example, if the roots of the hedge are pushing up a path. Nor can we consider things that are not directly about the hedge in question. For example, that other people keep their hedges trimmed to a lower height; or that the worry is making you ill.

#### **5. Previous complaints to the Council**

We only need to know about formal complaints, made under the high hedges part of the Anti-social Behaviour Act 2003. You don't need to tell us about telephone calls or other informal contact with the council about your hedge problems.

#### **6. Those involved**

We need all these names and addresses because there are some documents that we are required, by law, to send to the owner and occupier of the land on which the hedge grows. These include our decision on the complaint.

The complainant is the person who is resident at the property affected by the high hedge. Even if someone else is submitting the complaint on your behalf, it is important that we have the complainant's contact details.

Complete the Agent section if you are a professional adviser, relative, friend or other representative. This person will be our main contact on all matters relating to this complaint. We will direct all queries and correspondence to them. Please bear this in mind.

The owner of the site where the hedge is growing will normally be the person you have talked to when you tried to agree a solution to your hedge problems. If the site is occupied or used by someone who is not the owner, please provide these details also. We need this information because we will have to contact these people for their comments, and to arrange to visit the site where the hedge is growing.

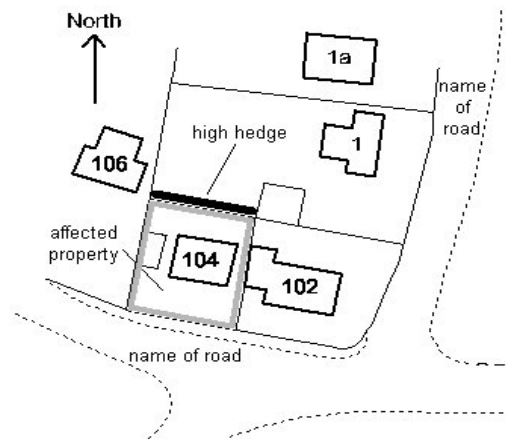
If you are in any doubt about who owns the property where the hedge is situated, you can check with the Land Registry. The relevant form (313) is on their website ([www.landregistry.gov.uk](http://www.landregistry.gov.uk)) or can be obtained from the Local Office (see under Land Registry in the business section of the phone book). There is a small fee for this service, if you know the full postal address of the property. Alternatively, Land Register Online (at [www.landregisteronline.gov.uk](http://www.landregisteronline.gov.uk)) provides easy access to details of registered properties in England. Copies of title plans and registers held in electronic format can be downloaded in PDF format for approx. £2 each. The register includes ownership details.

#### **7. Supporting documents**

You must provide photos of the hedge and a plan showing the location of the hedge and surrounding properties.

When drawing your plan, please look at the example and make sure that you:

- Mark and name surrounding roads.
- Sketch in buildings, including adjoining properties. Add house numbers or names.
- Show clearly the position of the hedge. Mark this with a thick RED line and show how far it extends.
- Outline the boundary of the affected property with a thin BLUE line
- Mark which way North is.



Please include copies of any professional reports that you may have had prepared. If you are complaining about the hedge blocking light, please ensure that you mark which way is north on your plan and provide relevant measurements (eg size of garden, distance between the hedge and any windows affected). All measurements must be in metres (m).

If you are enclosing other documents, please list these documents by date and title (eg January 2005 - Surveyor's report). This will help us to check that we have got everything. If you are submitting this form by email but will be sending supporting documents to us separately, put a reference number or title on them (eg hedge complaint, 12 High Street) so that we can match them up with your complaint.

#### **8. Sending the complaint**

You should send your complaint and all supporting information to the address shown below. You must pay a fee to Bromsgrove Council of **£500** for this service. If the complainant is classed as being on a low income this fee may be reduced to **£200**. To apply for the reduced fee, please complete the separate claim form and include this with your complaint.