



High hedges: complaining to the Council

00

Common questions

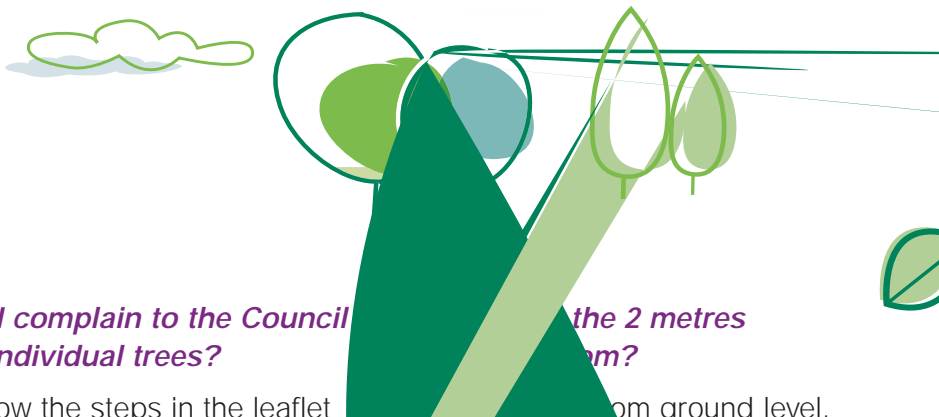
Can I Complain

1. Can we go straight to the Council with our hedge problem?

No. Involving the Council should be a last resort if you really can't agree a solution. The Council can refuse to intervene if they think you haven't done everything you reasonably could to settle your dispute.

2. What will the Council expect us to have done to sort this out between ourselves?

This will depend on how well you get on with your neighbours. But,



6. Can I complain to the Council about individual trees?

No. Follow the steps in the leaflet 'Over the garden hedge' to try to settle your dispute.

7. Does the hedge have to be on the boundary line or in next door's garden?

No, it doesn't matter where the hedge is growing, provided it isn't on your own land. Though the farther away it is from your house or garden, the less troublesome it is likely to be.

8. What's a semi-evergreen tree or shrub?

It's something that keeps some live or green leaves all year round.

Depending on where you live, this could include privet. The further north you are, the more likely that a privet hedge will lose its leaves over the winter.

It doesn't include beech or hornbeam hedges. The leaves that they keep in the winter are dead and brown.

9. How do I measure the 2 metres from the ground level?

This is usually at the base of the trunk or main stem of the trees or shrubs in the hedge. Unless it has been planted on a bank or in a raised bed, when the measurement would be taken from the natural ground level.

10. What sort of problems can I complain about?

You can complain about problems that you experience in your house and garden because the hedge is too tall. You must also be able to explain why these bother you.

Because each case is different, it's impossible to produce a list of potential grievances that you can choose from. You need to think about the disadvantages that you actually face, whether these are to do with the height of the hedge and how serious they are.







happen to

23. If the Council uphold my complaint, will the hedge have to be removed? That would solve the problem once and for all.

No, the Act specifically says that the Council can't order that the hedge be removed entirely. Nor can they require it to be cut down below 2 metres.

24. Will the hedge have to be cut down to 2 metres then?


Not necessarily. There is nothing in the Act that says all hedges must be cut down to 2 metres. As a general rule, the Council can only order your neighbour to reduce the hedge to a height that will remedy the problems – or prevent them happening again – and no more. 2 metres will not, therefore, be the right answer in every case.

25. How long will it take to give my neighbour notice to cut the hedge?

This will vary but it could well be months rather than weeks. The Council must be realistic about how long it will take your neighbour to carry out the works. They might also allow extra time so that the hedge does not have to be cut when birds might be nesting in it. Your neighbour can appeal if they think the Council have not allowed enough time.

26. What is there to make sure my neighbour keeps the hedge at its new height? Do I have to complain again, and pay a fee?

As well as reducing the height of the hedge, the Council can order your neighbour to take action to prevent the problems with the hedge happening again. This could include keeping the hedge within its new height for as long as it is there. The remedial notice



So you wouldn't have to make another formal complaint and go through this process again to get something done.

27. Does the Council's remedial notice allow me to cut my neighbour's hedge if I think they're dragging their heels?

No, it doesn't give you any right to cut the hedge. If you do anything more than trim branches that hang over your side, your neighbour could take you to court for damaging their property.

If any trees in the hedge are protected, you might not be able to do even this without getting separate permission from the Council.

when they're meant to.

Failure to carry out the works ordered by the Council is an offence. Your neighbour could be prosecuted and, if found guilty in the magistrates court, could be fined up to £1,000.

29. Will the Council cut the hedge instead?

The Council can go onto your neighbour's property and cut the hedge if they don't do it themselves. But it's up to the Council whether they step in. They are not obliged to do so.



What if I disagree with the Council

30. Is there anything I can do if I don't like the Council's decision?

If you disagree with the Council's decision, you can appeal to the independent Planning Inspectorate. They must receive your appeal within 28 days of the date of the Council's decision letter.

There is a separate leaflet '*High hedges: appealing against the Council's decision*' that explains how you can appeal and how your appeal will be handled.

You should be aware that your neighbour can also appeal if they are unhappy with the Council's decision.

If you think the Council have not handled your complaint properly, you can complain to the Local Government Ombudsman.

Useful contacts

Arboricultural Association –
for a list of approved contractors
to carry out work on trees and



Further information

'Anti-social Behaviour Act 2003: Part 8' – the law governing complaints about high hedges.

'High hedges complaints: prevention and cure' – a detailed guide on administering high hedge complaints.

'High hedges: appealing against the Council's decision' – a leaflet explaining how to appeal if you disagree with the Council's decision on a hedge complaint.

'Over the garden hedge' – a leaflet on how to settle your hedge differences without involving the Council.

'The right hedge for you' – a leaflet to help you choose the most suitable hedge for you and your garden.

'Hedge height and light loss' – a booklet to help you assess whether an evergreen hedge is blocking too much daylight and sunlight to neighbouring properties. A printed copy costs £6.50.

'Protected Trees: A Guide to Tree Preservation Procedures' – a leaflet answering some of the most common questions about tree preservation procedures.

Text of the Act is available on www.hms0.gov.uk/acts. All the other documents are available at www.odpm.gov.uk/treesandhedges or from ODPM Publications (tel: 0870 1226 236)

Notes: Highs:hed explaining to the Council



Further copies can be obtained
from ODPM Free Literature.

Tel: 0870 1226 236

For further information
visit www.odpm.gov.uk

Published by the Office of the
Deputy Prime Minister

© Crown copyright 2005

Printed in the UK, March 2005, on material
containing 75% post-consumer waste and
25% ECF pulp

Product code 04SCDD02891/C