



Complaint form for:
HIGH HEDGES

Office Use only

No:
Date Valid:
Date Rec'd:

Before completing this form please:

- Read 'High Hedges: Complaining to the Council' and the accompanying guidance notes first (see below)
- Use CAPITAL LETTERS
- A fee of £265 must be returned with this form
- Send the completed form and fee to:-

Development Management
Ryedale District Council
Ryedale House
Malton
YO17 7HH

DATA PROTECTION ACT: Ryedale District Council is registered under the Data Protection Act 1998 to hold personal data supplied by you.

1 Contact Details

1. Name & Address

Postcode

Tel No.

e-mail:

2 Property affected by the hedge

2.1 Address of the property if different from 1 above:

Postcode:

2.2 Name of the Occupant:

Telephone number for occupant:

2.3 Name & address of Registered Owner of Property if different from 1 above:

2.4 Is the property used solely for domestic purposes (even if vacant at present)? Yes/No

2.5 If No, please describe what the property is used for:

3. Location of Hedge

3.1 Address of the site where the hedge is growing:

3.2 Name of person/Company occupying property

Telephone:

3.3 Name & Address of Registered Owner of property (if different from above)

Telephone:

4. The Hedge

Please provide a photo(s) of the hedge and a plan/sketch of both the site where the hedge is growing and the property it is affecting, with the hedge clearly marked on it.

4.1 Are there more than 2 trees/shrubs in the line of the hedge?

Yes

No

4.2 Are the trees/shrubs in it mainly evergreen/semi-evergreen?

Yes

No

4.3 Is it over 2 metres tall along its whole length?

Yes

No

NB If you have answered No to any of the questions in this section, then the hedge does not meet the legal definition and the Council cannot consider your complaint

5. Grounds of Complaint

Please describe the problems actually experienced as a result of the hedge being too tall, and say how serious they are. It will save time and help your case if you stick to the facts and provide all relevant information to back up the points you are making.

6. Previous attempts to resolve the complaint

Please describe what you have done to try to settle this matter.

List dates you have asked to speak to your neighbour/had a meeting/attempted mediation/informed them of your intention to complain to the Council. Briefly describe what the result was.

NB If you have not tried all of these steps, the Council may not proceed with your complaint

Checklist

Have You :

please tick

Completed all sections on this form?

Enclosed a photo(s) of the hedge?

Enclosed a location plan of the hedge & surrounding properties?

Enclosed copies of correspondence with your neighbour about the hedge

Enclosed copies of any other documents that you mention

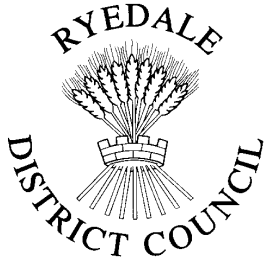
Enclosed a cheque for £265 (non-refundable)

Sent a copy of this form to the person(s) identified in Section 3 above

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Signed

Date:



Guidance Notes for completing the complaint form HIGH HEDGES

General Notes

These guidance notes are to help you fill in the form to make a complaint about a neighbouring high hedge. You should also read the leaflet '*High hedges: complaining to the council*'.

Consideration of your complaint will be delayed if you do not complete the form properly or do not provide the information requested.

If you are still unsure how to answer any of the questions, please contact Development Management on 01653 600666 ext. 381 or email: dm@ryedale.gov.uk

1. Complainant Contact Details

The person here will be our main contact on all queries and correspondence relating to this complaint. If you employ an agent to represent you, then please bear this in mind.

There are some documents that we are required by law to send to the owner/occupier of the affected property. These include our decision on the complaint.

2. Property affected by the hedge

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 are a tenant or leaseholder you can still make a complaint but you should let the owner (eg your landlord or management company) know what you are doing.

2.1, 2.2 We need the information in order to contact this person to arrange to visit the property affected by the hedge

2.3 This is the person who owns the freehold of the property – not a management company. Any tenancy agreement or lease should have this information. 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 is available on their website (www.landregistry.gov.uk) or from their local office in James Street, York, Tel: 01904 450000

2.5 Keep the description short eg flat above shop; home and Doctors surgery combined. The property must include some living accommodation otherwise we cannot consider the complaint.

3. Location of Hedge

We need this information in order to contact the occupier/owner for their comments and to arrange to visit the site where the hedge is growing
This will normally be the person you have talked to when trying to agree a solution to your hedge problems. If you are in any doubt who owns the property, please see note 2.4 above

4. The Hedge

Please provide a photo of the hedge, if possible with a person standing by the hedge to give an idea of scale.

Please supply a plan showing the location of the hedge and surrounding properties. Make sure that you:

- Name relevant roads
- Show your house and the property where the hedge is growing. They should be named or numbered.
- Mark clearly where the hedge is and how far it extends

5. 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.

Please include copies of any professional reports that you have had prepared. If you are complaining about the hedge blocking light, please mark which way is north on your plan (see note on section 4 above) and provide relevant measurements (eg size of garden, distance between the hedge and any windows affected). All measurements must be in metres (m).

6. Previous 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 to settle it.

7. Checklist

Please make sure you have ticked all the relevant boxes.

You should make out your cheque to Ryedale District Council



Office of the
Deputy Prime Minister

Creating sustainable communities

High hedges: complaining to the Council

The right hedge can be an ideal garden boundary but the wrong hedge may bring problems. This leaflet explains what will happen if the Council get involved – using their powers in Part 8 of the Anti-social Behaviour Act 2003. It is a simple guide and not a statement of the law.





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, before you contact the Council, you should have tried the following:

- Have a quiet word with your neighbour about your concerns.
- Follow this up by sitting down with them so that you can get a better understanding of each other's concerns and try to figure out the answer.
- If this doesn't work, invite them to talk to independent mediators who can help you find a way forward.

If your neighbour won't talk to you or you are nervous about speaking to them, send a polite letter. It won't be enough to say your neighbour is not approachable. Further information on settling your hedge differences is in the separate leaflet 'Over the garden hedge'.

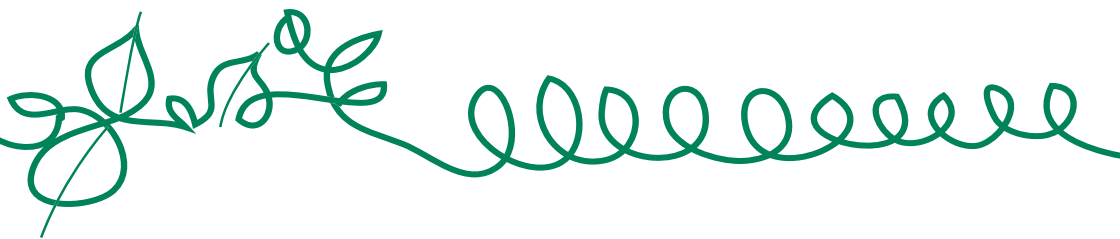
Keep a record of what you've done – eg. copies of letters or a diary.

If nothing works, you should let your neighbours know that you will be making a formal complaint to the Council.

3. My hedge dispute has been running for years. Am I expected to go through all this again?

The Council will expect evidence of a recent attempt to settle your dispute with your neighbour. If you rely on an approach you made more than, say, 4 months ago, they could ask you to try again.

You never know, your neighbour could have had a change of heart. They might not welcome the Council getting involved and could be ready to compromise.



4. What sorts of complaint can the Council look at?

If you've been through all the steps set out above **AND** can answer 'yes' to **ALL** the points listed below, the Council should be able to look at your complaint:

About the hedge

- Is it growing on land owned by someone else?
- Is the hedge – or the portion that is causing problems – made up of a line of 2 or more trees or shrubs?
- Is it mostly evergreen or semi-evergreen?
- Is it more than 2 metres tall?
- Even though there might be gaps in the foliage or between the trees or shrubs, is the hedge still capable of obstructing light or views?

Who can complain

- Are you the owner or occupier (eg. tenant) of the property affected by the hedge?
- Is the property residential?

Grounds of complaint

- Does the hedge detract from the reasonable enjoyment of your home or garden because it is too tall?

5. The hedge has got some gaps in it that allow light through. Does this mean that I can't complain to the Council about it?

Not necessarily. It depends on the extent of the gaps.

This may not be easy to judge. There are no rules that say if the trees or shrubs are more than a set distance apart, then you can't complain. But, where individual trees or shrubs are so widely spaced that you can see what lies behind them, then it might not meet the criteria for making a complaint.

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. Where is the 2 metres measured from?

It's measured from 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.



The Council won't be able to consider things that are not really about the hedge in question or its impact on your house and garden. For example, that other people keep their hedges trimmed to a lower height, or that the worry is making you ill.

11. I'm worried that the hedge will cause subsidence in my home. Can I complain about this?

No. This isn't to do with the height of the hedge but its roots taking moisture from soils that shrink. The Act specifically says that Councils can't deal with problems caused by roots.

What will it cost

12. Do I have to pay the Council to consider my complaint? If so, how much?

Yes, you have to pay the Council for this service. Their complaint form should tell you how much.

13. Will I get my money back if the Council uphold my complaint?

No.

14. Can the Council help me get it back from my neighbours?

No, the Council can't get involved in helping you recover the fee that you have paid and certainly can't force your neighbours to reimburse you.

15. What if I cannot afford to pay the fee?

Check if your Council offer reduced fees for people who are on a low income or benefits.

What do I do

16. Who do I complain to?

You should contact your local district or borough Council. They're the ones you pay your council tax to. You can find them in Yellow Pages under Local Government. The main switchboard should be able to tell you which department of the Council deals with complaints about high hedges.

17. How do I make a complaint?

The Council will send you a form to fill in. This is your main chance to set out your case so it is important that you provide full information on the form. In particular, think carefully about your grounds of complaint. Explain as clearly as you can the problems that you actually experience in your house and garden because the hedge is too tall, and why these are serious. Stick to the facts and provide all relevant information to back up the points you are making.

If you're having trouble filling in the form, your local Citizens Advice Bureau may be able to help. Alternatively, a relative or friend could complete it on your behalf.

The completed form can be sent by post or email to the Council. You should send a copy to your neighbours so they know what you've done. If you don't send it to them, the Council will. So bear this in mind when you complete the form.

Remember to enclose the right fee with the form. The Council can't consider your complaint without it.

18. What happens if the hedge is owned by the Council?

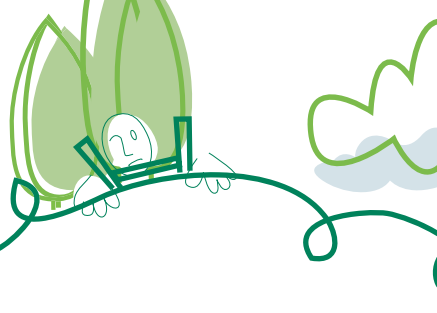
You should still send your complaint to the Council. They will make sure that it is dealt with by different people from those who look after the land where the hedge is.

If you don't agree with the Council's decision on your complaint, you can appeal to the Planning Inspectorate.

What will happen to my complaint

19. What will the Council do with my complaint?

Once the Council are satisfied that your complaint meets the legal tests, they will invite your neighbour to set out their case. When they've got both sides of the story, an officer of the Council will pay a visit, to see the hedge and surroundings for themselves. They will also obtain any other



facts about the site that they need to help them decide your complaint. They might, for instance, need to measure the size of your garden or how far the hedge is from windows in your house.

Once they've got all this information together, the Council will weigh it all up. They will decide whether the hedge adversely affects the reasonable enjoyment of your home and garden and what – if anything – should be done about it.


If they decide action is necessary, they will issue a formal notice to your neighbour which sets out what they must do to the hedge and when they must do it by. This is known as a remedial notice. It can also require your neighbour to keep the hedge trimmed to its new size.

20. This appears overly complicated. Surely all it needs is for the Council to go and get evidence to show the hedge is a nuisance and then order the offender to cut it down?

That's not the way the law works. There is no offence for having a tall hedge. So it's not up to the Council to prove the hedge is a nuisance.

Their job, in the words of the Act, is to decide whether the hedge is adversely affecting your reasonable enjoyment of your property and, if so, what action – if any – should be taken to remedy the situation or to prevent it happening again.

The use of the word 'reasonable' is important. It means that the Council cannot just take into account your concerns. They must also consider your neighbour's point of view and think about the consequences for the neighbourhood. For example, the hedge might help to make the area an attractive and pleasant



place to live. The Council have to weigh up all relevant information before reaching a fair and balanced decision.

Collecting written evidence from you and your neighbour, and visiting the site, will make sure that the Council have the information they need to make the right decision.

21. How do I know whether it's going to do me any good to complain to the Council?

You can't be certain what the result will be. That's why it is important to think carefully about your reasons for complaining to the Council before you return your form. You might find it worthwhile looking at the detailed guide '*High hedges: prevention and cure*'. It gives advice on the sort of things that Councils will take into account in considering how serious the problems you're complaining about are. This might help you to test out the strength of your arguments.

As a general rule, your case will be weaker if the trouble with the hedge affects you for only a short time, or is just inconvenient.

22. How long will I have to wait for the Council to decide my complaint?

There is no set deadline for the Council to decide your complaint. Remember it will take time for them to get a statement from your neighbour, and to arrange to visit the site. So you shouldn't expect to get an answer for at least 12 weeks.

If you are worried because you haven't heard anything, you could contact the Council to check progress.



What will happen to the hedge

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 the Council give my neighbour 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



issued by the Council will set out any such maintenance requirement. 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.

28. What happens if my neighbour doesn't cut the hedge 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 hedges, search www.trees.org.uk or tel: 01794 368717

Citizens Advice Bureaux – offer free, confidential, impartial and independent advice. You can find your local office in Yellow Pages

Community Legal Service (CLS) – helps people to find the right legal advice. There are CLS Information Points in local libraries. Or else search www.clsdirect.org.uk or tel: 0845 345 4 345 for your nearest Community Legal Service provider

Gardening Which? helps its members with their gardening problems tel: 0845 903 7000

Hedgeline – help those affected by problem hedges, drawing on the experience of their members. See their website at www.hedgeline.org or tel: 0870 2400 627

Mediation UK – to find your nearest community mediation service search www.mediationuk.org.uk or tel: 0117 904 6661

Royal Horticultural Society – helps its members with their specific gardening problems tel: 01483 479700. General advice on planting and looking after hedges is available at www.rhs.org.uk/advice

Tree Helpline – for impartial advice on anything to do with trees, hedges and shrubs tel: 09065 161147 (calls are charged at £1.50 a minute)



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)

Further copies can be obtained
from ODPM Free Literature.

Tel: 0870 1226 236

For further information
visit www.odpm.gov.uk

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