

Guidance Notes for Completing the High Hedges Complaint Form

Anti-social Behaviour Act 2003

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.

Checklist

For a complaint to be valid, it must meet the following criteria:

1. The hedge, or portion of the hedge, that is causing problems must be made up of a line of two or more trees or shrubs.
2. The hedge must be mostly evergreen or semi-evergreen.
3. The hedge must have a height of more than two metres above ground level.
4. Even though there may be gaps in the foliage and in between trees the hedge must still be capable of obstructing lights or access.
5. The hedge must be on land owned by someone other than the person making the complaint.
6. The person making the complaint must be the owner or occupier of the property affected by the hedge.
7. The property affected by the hedge must be residential.
8. Evidence of negotiation or mediation must be provided.
9. The complaint must not be frivolous or vexatious.

Failure to meet these requirements could lead to the complaint being rejected and the loss of the fee.

If you are still unsure how to answer any of the questions, please refer to:

www.gov.uk/government/collections/high-hedges

Section 1: Criteria for Making a Complaint

Who Can Complain?

Question f. 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.

Question g. The property does not have to be wholly residential but must include separate living accommodation otherwise we cannot consider the complaint.

Section 2: 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.
- Describe any informal or formal discussions you have had with the hedge owner prior to filling in the complaint form. You should include brief details and dates of discussions.
- Try to be as accurate as possible. Remember you will have to send a copy of this form and any additional sheets to the hedge owner.
- Provide a list of any letter or email correspondence that has occurred between you and the hedge owner to try and resolve this problem. Copies of these letters/emails should be sent with your form to the Council. However, only a copy of the list of correspondence needs to be included for the hedge owner.
- Describe how you informed the hedge owner that you were going to make a complaint to the Council. If this was in a letter or email please provide a brief description of what was said and date this as accurately as possible.
- Please describe anything else you did to try and resolve the problems the hedge is causing. This may be that you offered to share the cost of the work or you arranged mediation. State the outcome of anything else you tried. Again you should provide dates with descriptions. Remember the hedge owner will see these descriptions. Any additional sheets used need to be copied both to the Council and hedge owner.
- The Council will consider it reasonable for there to be at least three attempts over a four month period to resolve the case.

Example:

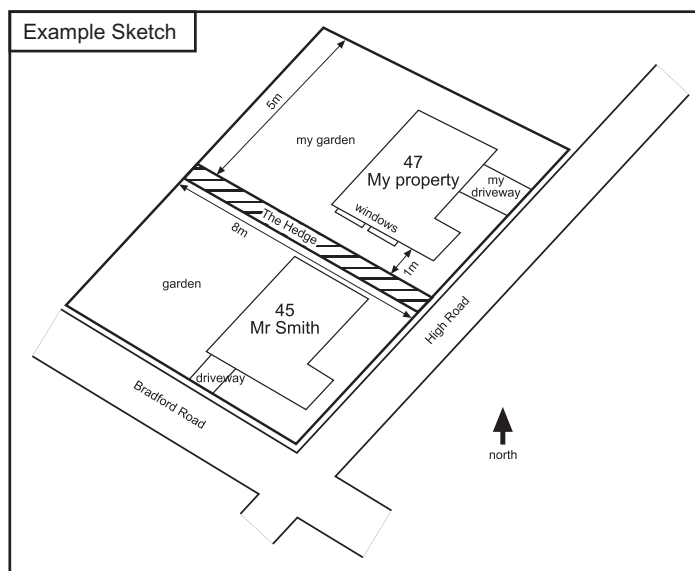
- 12th March 2005 – *phoned neighbour [Mr Bloggs of No.12 High Street] to ask if we could discuss hedge. Met on 19th March but we couldn't agree a solution;*
- 15th April – *mediators visited;*
- 29th April – *met neighbours [Mr Bloggs] and mediators. But still couldn't find an answer we were both happy with;*
- 14th May – *wrote to inform neighbours [Mr Bloggs] would be complaining to Council.*

Section 3: 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 property where the hedge is growing, and to the person who lives there if they are different people.

Concentrate on the hedge and the disadvantages you experience because of its height. 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 also provide a photo of the hedge and a plan showing the location of the hedge and surrounding properties. When drawing your plan, please look at the example below and make sure that you:

- Mark and name surrounding roads.
- Sketch in buildings, including adjoining properties. Add house numbers or names.
- Mark clearly the position of the hedge and how far it extends. If you are complaining about the hedge blocking light, please also show on your plan:
 - Which way is north.
 - The position of windows that are affected by the hedge (eg whether they are located on the front, side or rear of the house).
 - Relevant measurements (eg size of garden, distance between the hedge and any windows affected). All measurements must be in metres (m).



Please include copies of any professional reports that you may have had prepared and of any other documents that you want the Council to take into account.

Section 4: 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.

Section 5: Who's Who/The Parties

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.

Question a. Even if someone else is submitting the complaint on your behalf, it is important that we have your contact details. Tick the 'Yes' box if you prefer to be contacted by e-mail. We cannot send documents to you electronically unless you agree.

Question b. You need to complete this question only if the complainant does not live in the property affected by the hedge. We need this information because we will have to get in touch with the occupier to arrange to visit the property so that we can see for ourselves the effect of the hedge.

Question c. Complete this section if you are a professional adviser, relative, friend or other representative. **You will be our main contact on all matters relating to this complaint.** We will direct all queries and correspondence to you. Please bear this in mind. If you tick the 'Yes' box, we will conduct all business relating to this complaint by e-mail. But we cannot send documents to you electronically unless you agree.

Question d. This will normally be the person you have talked to when you tried to agree a solution to your hedge problems. 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 Tower Road'. 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.

Question e. 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 at www.landregistry.gov.uk. Land Register Online at: <https://eservices.landregistry.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. The register includes ownership details.

Section 6: Supporting Documents

Please make sure you have ticked all the relevant boxes. If you have ticked the last box, please list these documents by date and title (e.g. 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 posting supporting documents to us separately, put a reference number or title on them (eg hedge complaint, Joe Bloggs, 12 High Street) so that we can match them up with your complaint.