



High Hedges Information Sheet

What constitutes a 'high hedge' under the Anti-Social Behaviour legislation?

A high hedge is defined as being: "So much of a barrier to light or access as is formed wholly or predominantly by a line of two or more evergreen or semi-evergreen trees or shrubs; and rises to a height of more than two metres above ground level."

Ask yourself:

- Is the hedge made up mostly of evergreen or semi-evergreen trees or shrubs?
- Are there two or more trees or shrubs in it and are these roughly in line?
- Is it over two metres in height?
- Does the hedge act, to some degree, as a barrier to light or access - even though it might have gaps in it?

If the answer to all these questions is yes, then it is a high hedge for the purposes of the act.

Examples

- A row of six conifers, four metres high blocking light to the lounge window of a neighbouring house would be a high hedge
- A row of five metre high beech trees, that lose their leaves in the winter, would NOT be a high hedge

Can I make a complaint about a single tree?

No. The Anti-Social Behaviour legislation only talks about high hedges and not individual trees. We are unable to get involved in issues or disputes involving single trees on private land.

What responsibilities do I have if I own a fast-growing hedge?

You don't normally need permission to plant a hedge in your garden and there are no laws that say how high you can grow your hedge but you are responsible for looking after any hedge on your property and for making sure it is not a nuisance to anyone else. This means trimming the hedge regularly, both its top and all sides. Think about the type of hedge you are planting; is it in a suitable location for the size it requires? What maintenance does it need?

Who should I go to if my neighbour has a hedge that is obscuring my view or light to my property?

You should initially approach your neighbour if you are troubled by someone else's hedge. The best way to deal with the issue is to talk to them about it. It is in both your interests to try to sort things out. After all, you have to continue to live near each other and so it is better if you are on good

terms. Calling us in, or going to court, might make matters worse. If you have already tried to negotiate with your neighbour without success, you may also like to consider contacting a mediation service who can help you try to resolve the matter between yourselves. You can contact us as a last resort after all other avenues have been investigated. If you submit a formal complaint to us you will need to provide evidence that you have taken all reasonable steps to try to resolve the matter between yourselves. If you don't we will not be able to pursue your complaint and may ask that you try other steps before re-submitting a complaint.

How do I make a complaint?

You can make a complaint by using the formal complaint form and there is a charge for this. You will need to provide evidence of all the steps you have taken to try to resolve the matter so far. If you don't we will not be able to pursue your complaint. Forms are available from our website via <https://www.fenland.gov.uk/highhedges>

Before we can deal with your complaint, we need to be sure that the hedge is covered by the legislation and that you have exhausted all other ways to sort out the problem yourself. You will also have to pay the required fee.

Approaching us should be a last resort. See the government publication 'Over the garden hedge' for advice on steps you can take to negotiate with your neighbour. 'High hedges: complaining to the council' also has more information on lodging a formal complaint

Who can register a complaint?

You can bring a complaint under the Act only if a domestic property is affected. The Act defines domestic property as 'a dwelling or any associated garden or yard.' The garden or yard does not have to be attached to the dwelling, as long as it is linked legally, rather than physically, with the property. A complaint cannot be brought under the Act if a hedge is affecting a garage, barn, summerhouse, shed or other outbuilding used for incidental domestic purposes.

On what grounds can a complaint be made?

Anyone making a complaint to us must show that the problem(s) with the hedge are related to its height; and it is adversely affecting the reasonable enjoyment of your own property

This could include obstruction of daylight and sunlight, jointly or as separate issues, as well as a potential loss of view or outlook. In addition, a complaint might be brought under the Act if the neighbouring high hedge affects a person's garden, making it feel claustrophobic. Any impact on growing plants can also be considered, provided that the damage was attributable to the height of the hedge.

The following factors are not relevant to a high hedge complaint:

- Fears that the hedge will break or fall
- That the effect of the hedge has led to health problems
- That other hedges in the area are maintained at a lower height
- That the hedge was there before the affected property was built or before the complainant moved into it
- That the roots of the hedge are affecting neighbouring land or property - you cannot complain to us about root activity, for example subsidence or blocking of drains.

We can only deal with your complaint if you have tried to resolve matters with your neighbour before involving us and you are able to provide a record of what you have done, which needs to be submitted with your complaint.

You must also inform your neighbour of your intention to make a formal complaint. If you have only communicated with your neighbour verbally about the hedge, you should put your concerns to them in writing and keep a record which you can then submit with your complaint. Similarly, if your attempts to resolve the problem were made over a year ago, we may consider that you need to make further efforts, in case the situation has changed or your neighbours have had a change of heart.

Do I have to pay a fee? And what is it?

Yes. The current fee of £450 is required when you submit your complaint. This fee is non-refundable, whether or not we make a decision in your favour. We advise that you contact us before hand to check the current fee.

How long will it take to look into a complaint?

There is no set time limit for us to decide on a complaint as we must get a statement from your neighbour and visit the site. As a general guide however, a decision usually takes about 12 weeks.

What happens once a complaint has been made?

We'll gather all the information needed to help us make a decision, this includes: writing to those involved and visiting the site. In most cases, we won't carry out consultation with other neighbours and residents' associations. Once we have all the information, we weigh it up and make a decision.

What happens if any action is needed?

We may issue a remedial notice to the person responsible for the hedge. This sets out what must be done and by when. This can include the maintenance of the hedge at a lower height long-term. It cannot involve reducing the height of the hedge below two metres, or its removal. The hedge owner can go further than the remedial notice requires. The remedial notice stays with the property and passes to any further owners.

Is there a time limit for carrying out works?

The time limit for carrying out works will be given in the remedial notice. It will allow the hedge owner time to find a contractor if necessary and arrange for the works to be done.

Is there a right of appeal?

Appeals can be made to the Planning Inspectorate who deals with them on behalf of the Secretary of State. An appeal can be made by the owner of the land on which the hedge is situated and/or the person making the complaint.

An appeal must be made within 28 days of our decision. If a remedial notice had been served, this is suspended whilst the appeal is being decided.

What happens if works are not carried out?

Failure to carry out the works is an offence and the owner of the hedge could be prosecuted and, if found guilty in a Magistrates Court, could be fined. We have powers that enable us to enter land and carry out works needed by a remedial notice and recover any expenses from the hedge owner.

Further recommended reading

<https://www.gov.uk/government/collections/high-hedges>

For queries relating to High Hedges contact the Council via streetscene@fenland.gov.uk

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