

Guidance Notes

Completing the Complaints 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 a 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 Control on (01279) 446598 or 446856 during office hours (9am to 5pm).

YOU MUST PAY A FEE WHEN YOU SEND IN YOUR COMPLAINT FORM. The set fee has not yet been confirmed. Please contact Planning Services for further details.

1. Attempts to resolve the complaint

Please keep the description brief but say how you made the approach to the neighbour to resolve the complaint (e.g. face to face, phone, letter) and what the result was

Example 1

- 12 March 2005 – phoned and asked 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 we 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 neighbours 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 could make a formal complaint to the council. Left it for a couple of weeks then confirmed in writing that we would be going ahead with the complaint.

1.1 Mediation services are available from the following:

Seams Ltd
PO Box 5303
3 River Chambers
9a Bank Street
Braintree
Essex
CM7 1SA

Telephone: 01376 331511
Fax: 01376 331511
Email: seamsbrt@globalnet.co.uk

Basildon Mediation
PO Box 6013
Parkland Centre
Gloucester Park
Basildon
Essex
SS14 2RZ

Telephone: 01268 294372
Fax: 01268 527831
Email: Basildonmediation@parklandcentre.fsnet.co.uk

It is not necessary to send all correspondence with your neighbour about the hedge – especially if the dispute is a long-running one. You only need provide evidence of your latest attempts to settle it.

2. Criteria for making a complain

Who can complain

2.6 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 (e.g. because you are a tenant or a leaseholder), you can still make a complaint. But you should let the owner (e.g. landlord or management company) know what you are doing.

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

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 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 also provide a photo of the hedge and a plan showing the location of the hedge and surrounding properties.

When drawing your plan 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.
- Mark which way north is.

Please include copies of any professional reports that you may of 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 (e.g. size of garden, distance between the hedge and any windows affected). All measurements must be in metres (m).

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.

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.

5.1 Even if someone else is submitting the complaint on your behalf, it is important that we have the complainant's 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.

5.2 We need this information because we will have to get in touch with this person to arrange to visit the property so that we can see for ourselves the effect of the hedge.

5.3 Complete this section if you are a professional advisor, relative, friend or other representative.

This person will be our main contact on all matter relating to this complaint. We will direct all queries and correspondence to them. 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.

5.4 This will normally be the person you 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, e.g. 'Land to rear of 12 to 18 High Street' or 'Park adjoining main 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.

5.5 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) or can be obtained from the Local Office.

Alternatively, Land Register Online (at 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.

6. Supporting documents

Please make sure you have ticked all of the relevant boxes.

6.1 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.

6.2 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 (e.g. hedge complaint, 12 High Street) so that we can match them up with your complaint.

7. Sending the complaint

7.2 The application fee has not yet been confirmed. Please contact Planning Services for further details. Your cheque should be made payable to "Harlow District Council".