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## HIGH HEDGES LEGISLATION COMPLAINTS FORM

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Use this form to submit a complaint to the Council about a high hedge, under Part 8 of the Anti-Social Behaviour Act 2003. The person making the complaint, or their representative, should complete it.

**Before completing this form, please read the guidance notes attached.**

**It is also recommended that you read the leaflets 'High Hedges: Complaining to the Council' and 'Over the Garden Hedge'.**

**Please use BLOCK CAPITALS and black ink when filling in the form.**

**YOU MUST PAY A FEE WHEN YOU SEND IN THIS FORM. The current fee is £450.**

**The Council will rely on the information you provide so please make sure it is clear and accurate.**

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### 1. COMPLAINANT

#### 1.1 Details of the Person Complaining

<b>Name</b>	<b>Title</b>	<b>Forename</b>	<b>Surname</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Address</b>	<input type="text"/>		
	<input type="text"/>		
<b>City/Town</b>	<input type="text"/>		
<b>County</b>	<input type="text"/>	<b>Postcode</b>	<input type="text"/>
<b>Daytime Telephone Number</b>	<input type="text"/>		
<b>Mobile Telephone Number</b>	<input type="text"/>		
<b>Fax Number</b>	<input type="text"/>		
<b>E-mail Address</b>	<input type="text"/>		

1.2 Are you content for us to contact you by email at the address provided?

Yes  No

1.3 Is this the address affected by the hedge you are complaining about?

Yes  No

1.4 If the answer is 'NO' please explain below why.

1.5 If you are an agent submitting the complaint on behalf of the complainant, please provide relevant details:-

	Title	Forename	Surname
<b>Name</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Address**

**City/Town**

<b>County</b>	<input type="text"/>	<b>Postcode</b>	<input type="text"/>
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**Daytime Telephone Number**

**Mobile Telephone Number**

**Fax Number**

**E-mail Address**

1.6 Are you content for us to contact you by email at the address provided?

Yes  No

**2. COMPLAINT AGAINST**

2.1 Name and address of the site where the alleged offending hedge is growing.

<b>Name</b>	Title <input type="text"/>	Forename <input type="text"/>	Surname <input type="text"/>
<b>Address</b>	<input type="text"/>		
	<input type="text"/>		
<b>City/Town</b>	<input type="text"/>		
<b>County</b>	<input type="text"/>	<b>Postcode</b>	<input type="text"/>
<b>Daytime Telephone Number</b>	<input type="text"/>		
<b>Mobile Telephone Number</b>	<input type="text"/>		
<b>Fax Number</b>	<input type="text"/>		
<b>E-mail Address</b>	<input type="text"/>		

2.2 If the hedge is growing on more than one ownership please provide further names and addresses:-

<b>Name</b>	<b>Name</b>	<b>Name</b>
<b>Address</b>	<b>Address</b>	<b>Address</b>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<b>Contact</b>	<b>Contact</b>	<b>Contact</b>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

2.3 Is (Are) the property(ies) owned by the named person?

Yes  No

2.4 If 'No' please provide relevant details if known.

**3. CRITERIA FOR MAKING A COMPLAINT – Please answer these questions:-**

*About the hedge*

3.1 Is the hedge – or the portion that is causing problems – made up of a line of 2 or more trees or shrubs?

Yes  No

3.2 Is it mostly evergreen or semi-evergreen?

Yes  No

Please indicate the predominant hedge species \_\_\_\_\_

3.3 Is it more than 2 metres above natural ground level (i.e. its planting level)?

Yes  No

3.4 Even though there may be gaps in the foliage or between the trees, is the hedge still capable of obstructing light or views?

Yes  No

3.5 Is it growing on land owned by someone else?

Yes  No

3.6 Are you the owner or occupier (e.g. tenant) of the property affected by the hedge?

Yes  No

Please delete whichever does not apply  Owner/Occupier

3.7 Is the property residential?

Yes  No

**If the answer is 'NO' to any of the questions in this section, the criteria have not been met and so the Council cannot consider your complaint and you should not submit it.**

#### 4. ATTEMPTS TO RESOLVE THE COMPLAINT

**Please describe what you have done to try to settle this matter. Give dates and state the outcome. Please provide copies of any letters that you mention. It is to your advantage in validating this complaint that all dates stated are within 3 months prior to the submission of this complaint.**

4.1 Verbal Request to discuss problem:- YES  NO

DATE(S) –  
RESULT –

4.2 Written Request to discuss problem:- YES  NO

DATE(S) –  
RESULT –

4.3 Verbal Request to hedge owner(s) to try independent mediation:-

YES  NO

DATE(S) –  
RESULT –

4.4 Written Request to hedge owner(s) to try independent mediation:-

YES  NO

DATE(S) –  
RESULT –

4.5 Have you verbally informed the neighbour of your intention to complain to the Council?

YES  NO

DATE(S) –  
RESULT –

4.6 Written information of intention to complain to Council:-

YES  NO

DATE(S) –  
RESULT –

4.7 Any other means of resolution sought?

**If you have not tried all the above steps, the Council might not proceed with your complaint. It is strongly recommended that all attempts should have been made at least once in writing to ensure validation of the 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 in a legible and coherent way on attached documents which should be clearly marked 'GROUNDS OF COMPLAINT'**

5.1 List what documents you have submitted:-

**To help the Council understand your situation, please provide a photo(s) of the hedge, measurements, a location plan on an Ordnance Survey base, and a plan or sketch of both the site where the hedge is growing and the property it is affecting, with the hedge clearly marked on it.**

## 6. PREVIOUS COMPLAINTS

6.1 Has a formal complaint through submission of a form like this been made to the Council before about this hedge?

Yes

No

6.2 If you have ticked 'YES', do you know the date and/or reference number of the Council's decision letter?

Date

Reference Number

6.3 What has changed since the Council last looked at this?

**If nothing has altered, the Council might not proceed with your complaint.**

**7. Supporting Documents**

Have you enclosed the following:-

A photograph of the hedge

Tick Box

A location plan of the hedge and surrounding properties

Copies of correspondence with your neighbour about the hedge

Copies of any other documentation that you mention  
(please list these separately)

**8. Sending the Complaint**

I confirm that I have completed as much of this form as I can and that, to the best of my knowledge, the information provided is accurate.

I enclose the fee of £450

Name

Date

Post or e-mail this form and all enclosures to:-

Planning Services Section,  
Planning & Development Services Department,  
Town Hall,  
Matlock,  
Derbyshire.  
DE4 3NN.

e-mail: [planning@derbyshiredales.gov.uk](mailto:planning@derbyshiredales.gov.uk)

Please also send a copy of this form and all submitted documents to the person(s) identified in Section 2 at the same time.

Tick the box to show you have done this

Date Sent

## **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 leaflets 'High Hedges: Complaining to the Council' and 'Over the Garden Hedge'.

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

If you are still unsure how to answer any of the questions, please contact the Planning Services Section via the contact details shown at the end of these notes.

Audio and large print versions of the form and these guidance notes are available. Please call 01629 761100 for more information.

### **SECTIONS 1 & 2 - 'COMPLAINANT' AND 'COMPLAINT AGAINST'**

We need all these names and addresses because there are some documents that by law, we are required to send to the owner **and** occupier of the land on which the hedge grows. These include our decision on the complaint. We also have to ensure that all relevant interested parties have an opportunity to comment and make their views known as part of the assessment.

Q 1.1 The name here should only be the one who is making the complaint about the hedge, i.e. the person(s) who allegedly suffer directly from it. Others, who are complaining on behalf of friends, neighbours, relatives, etc., are classed, as 'Agents' and they should complete 1.5. If you represent or are a part of a group of neighbours complaining about a hedge, **EACH PROPERTY OWNER/OCCUPIER MUST SUBMIT THEIR OWN INDIVIDUAL APPLICATION** and pay the required fee. This is because each property will have a different aspect to the hedge and, therefore, different problems and/or differing levels of severity.

Q 1.5 **This person will be our main contact on all matters relating to this complaint.** We will direct all queries and correspondence to them. Please bear this in mind.

Q 2 It is vital to complete as much information in these boxes as possible as the allegation you are making is directed against them and could ultimately result in legal proceedings. The Council also has to make contact to process the complaint, make site visits, etc., and if we do not have the right information we cannot proceed with the matter in an efficient and speedy manner.

Q 2.1 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](http://www.landregistry.gov.uk)) or can be obtained from the Local Office. The current fee for this service is [£4], if you know the full postal address of the property.

Alternatively Land Register Online (at [www.landregisteronline.gov.uk](http://www.landregisteronline.gov.uk)) provides easy access to details of registered properties in England. Copies of title plans and registers held in electronic form can be downloaded in PDF format for [£2] each. The register includes ownership details.

Q 2.2 In many cases one person's boundary is shared with several others and a single hedge planted by design or created by accident can follow that line. You should concentrate your complaint solely on that part of the hedge that you find directly detrimental but if that part does spread over multiple ownerships 'on the other side' then we need all the relevant details, as with 2.1; in this box.

Q 2.3/4 It may be that the property is tenanted and the landlord is responsible for grounds maintenance, so it is important to give details of the actual property owner. If you are a tenant you can still legitimately make a complaint but you must let your landlord/management company know that you are doing so.

### **SECTION 3 - 'CRITERIA FOR MAKING A COMPLAINT'**

These are mandatory criteria to validate a complaint. If any answer is 'NO' we suggest you do not continue with the complaint form but seek further information or clarification.

Q 3.2 Evergreen is a plant that retains live foliage throughout all seasons and semi-evergreen, throughout most of all seasons. This is mainly conifers but not exclusively. It could include laurel, holly, box and possibly privet but not beech or hornbeam, ivy or bamboo.

Q 3.3 The 2 metres should be measured from the ground where the hedge is growing – that will usually be on the hedge owner's side. Even if the property affected is on a lower (or higher) level than the land where the hedge is situated, the 2 metres should still be measured from the ground where the hedge is growing.

Q 3.7 The property does not have to be wholly residential but must include some living accommodation, a flat over or to the rear of a shop.

### **SECTION 4 - 'ATTEMPTS TO RESOLVE THE COMPLAINT'**

Be specific in answering these questions. Dates and copies of correspondence are important in showing evidence of a pro-active effort by you to resolve the problem amicably. The Government guidelines make it clear that the introduction of this legislation should be a stimulus to make one final concerted and documented effort to resolve matters even though attempts may have been made over many years previous. Therefore, we have set a maximum period of 3 months before the date of the submission of this form with respect to dates that should appear in this section.

'Independent mediation' is **NOT** the Council. If you can obtain agreement with your neighbour(s) for mediation then we can refer you to '**Mediation Derby**', St. James Centre, Malcolm Street, Derby, DE23 8LU, telephone 01332 746986; or '**Mansfield Mediation**', Intake Business Centre, Kirkland Avenue, Mansfield, Nottinghamshire, NG18 5QP, telephone 01623 483845.

Please keep the descriptions brief but say how you made the approach (e.g. face to face, telephone, letter) and what the result was.

### **Example 1**

- ◆ 12th March 2005 – telephoned to ask if we could discuss hedge. Met on 19th March but we couldn't agree a solution. Agreed to mediation.
- ◆ 15th April – mediators visited;
- ◆ 29th April – met neighbours and mediators. But still couldn't find an answer we were both happy with;
- ◆ 14th May – wrote to inform neighbour would be complaining to Council.

### **Example 2**

- ◆ 12th March 2005 – wrote to ask if we could discuss hedge. 2 weeks later still no reply;
- ◆ 9th April – wrote to ask if would agree to referral to mediator. 2 weeks later still not reply;
- ◆ 7th May – wrote to inform neighbour would be complaining to Council.

### **Example 3**

- ◆ 12th March 2005 – saw neighbour in their garden and asked if we could discuss hedge. Neighbour came round on 19th March. Saw the effect of the hedge for themselves. Sympathetic but unwilling to reduce the hedge as much as we wanted;
- ◆ 9th April 2005 – asked neighbour if they would agree to mediation, they said no.
- ◆ 23rd 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; if the dispute is a long-running one. You need only provide evidence of your latest attempts to settle it.

## **SECTION 5 - 'GROUNDS OF COMPLAINT'**

It will help if you provide as much information as you can but please 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:-

- ◆ 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 true north is.
- ◆ Show as many relevant measured distances, in metres, as possible (e.g. size of garden, distance between the hedge and any windows affected).

## **SECTION 6 - 'PREVIOUS COMPLAINTS'**

We only need to know about formal complaints made under the High Hedges part of the Anti-Social Behaviour Act 2003. You do not need to tell us about telephone calls or other informal contact with the Council about your hedge problems.

## **SECTION 8 - 'DECLARATION'**

Payment should accompany the submission of this form. Please make cheques payable to 'Derbyshire Dales District Council'.

It is vital that you copy 2 full sets of the completed form and all documents you submit – one to be sent to the owner/occupier of the property where the hedge is located, and one for you to keep. If there are multiple owners then you must send each one a full set copy.

## **WHAT HAPPENS NEXT?**

- ◆ On receipt of your form it will be checked as to whether all relevant questions have been adequately answered, the fee is received and the correct supporting evidence is submitted.
- ◆ If there is a problem you will be contacted, or all documents may be returned to you, depending upon the extent of the omissions. The fee will not be cashed in that case.
- ◆ A complete submission will then be formally assessed for legal validation and registered
- ◆ You will receive an acknowledgement letter within 15 working days stating whether your complaint is, or is not, formally validated and your complaint accepted as a serious case for consideration.
- ◆ The Council will not proceed with the complaint if it is considered 'frivolous or vexatious', i.e. does not have any valid legal grounds and is being made just to inflame neighbour dispute tensions for instance. In cases such as these, the Council will probably retain the fee to cover costs of initial investigations.

- ◆ The Council will not proceed with the complaint if insufficient efforts have been made to resolve the issue. In cases such as these, the Council will probably retain the fee to cover costs of initial investigations.
- ◆ There are no appeal rights to either party with respect to the validation/non-validation decision.
- ◆ Once a complaint has been formally validated, the Council has to investigate it and eventually reach a decision. There is no time limit set in the legislation or Government guidance but all efforts will be made to be as efficient as possible.
- ◆ The Council's decision can be appealed against to the Secretary of State by either side.
- ◆ The Council may decide to serve a 'Remediation Notice' on the owner of the hedge instructing what work should be carried out to resolve the problem, within a time limit. This will be a legal 'Land Charge' on the property, which will remain as long as the instructions require. Rights of Appeal from both sides exist against the instructions.
- ◆ Ultimately, if a 'Remediation Notice' is not adhered to, the Council can decide to take the hedge owner to court under a breach summons and seek a fine of up to £1,000 and a specified amount per day thereafter.
- ◆ If the hedge owner still refuses to carry out the work, the Council can decide to carry it out themselves and recharge – this would be another 'Land Charge' on the property.

Planning Services Section,  
 Planning & Development Services Department,  
 Town Hall,  
 Matlock,  
 Derbyshire.  
 DE4 3NN.

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