

HIGH HEDGES

You are able to submit a formal complaint about high hedges to the Council only where there has already been reasonable and recent attempts to resolve this amicably with the landowner.

The hedge in question must be evergreen, over two metres high, and not have significant gaps. A complaint can only be considered where there is an unreasonable impact upon the amenity of occupiers of a residential property and must not be a frivolous or vexatious complaint.

Where the Council decides that the complaint is valid, it must decide whether there is an unacceptable impact on the complainant's amenity. It has powers to require the hedge to be reduced in height, although cannot require it to be reduced lower than two metres and cannot require its complete removal. The Council can also ensure that the hedge is kept at this height in the future.

The Council has decided that the fee for processing such a complaint is in excess of £605.00.

Whilst the complaint will be dealt with as soon as possible, there is no time limit for a decision and you should expect to wait for at least eight weeks.

There are rights of appeal against the Council's decision and these will be decided by the Planning Inspectorate.

The circumstances for an appeal enable both a complainant and the landowner the right to appeal against the decision. The appeal must be made within 28 days of the decision and there is no further fee payable.

Complaints will be determined by the Development Control Section of the Technical Services Department. Further information can be obtained from:

Planning Business Centre
Runnymede Borough Council
Civic Centre, Station Road
Addlestone, Surrey KT15 2AH

Tel: 01932 425131
E-Mail: planning@runnymede.gov.uk

GUIDANCE NOTES FOR COMPLETING THE COMPLAINT FORM

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 questions, please contact the Business Planning Centre on 01932 425131 or e-mail planning@runnymede.gov.uk.

You can obtain translations and large print versions of this guidance and the form through the Council.

Section 1: Attempts to resolve the complaint

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

- 12 March 2005 - phoned neighbour (Mr. Bloggs of 12 High Street) to ask if we could discuss hedge. Met on 19 March but we could not agree a solution;
- 15 April - mediators visited;
- 29 April - met neighbours (Mr. Bloggs) and mediators, but still could not find an answer we were both happy with;
- on 14 May - wrote to inform neighbours (Mr. Bloggs) would be complaining to Council.

Example 2

- 12 March 2005 - wrote to neighbours (Mr. Bloggs of 12 High Street) to ask if we could discuss hedge. 2 weeks later still no reply;
- 9 April - wrote to ask if he would speak to mediator. 2 weeks later still no reply;
- 7 May - wrote to inform neighbours (Mr. Bloggs) would be complaining to Council.

Example 3

- 12 March 2005 - saw neighbours (Mr. Bloggs of 12 High Street) in their garden and asked if we could discuss the hedge. Neighbours (Mr. Bloggs) 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 (Mr. Bloggs) 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 neighbours (Mr. Bloggs) again and told them that, if we could not 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.

Section 2: Criteria for making a complaint

Who can complain

Q2.6 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.

Q2.7 The property does not have to be wholly residential but must include separate living accommodation otherwise we cannot consider the complaint.

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 height of the hedge. 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 photograph 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 shown on your plan :-

- Which way is north.

- The position of windows that are affected by the hedge (e.g. whether they are located on the front, side or rear of the house).
- Relevant measurements (e.g. size of garden, distance between the hedge and any windows affected).

All measurements must be in metres (m).

(Insert example of typical plan)

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 do not 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.

Q5.1 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.

Q5.2 You need to complete this section 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.

Q5.3 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.

Q5.4 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, e.g. '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.

Q5.5 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. 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) 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 for (£2) each. 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 everything.

If you are submitting this form by e-mail but will be posting supporting documents to us separately, put a reference number or title on them (e.g. hedge complaint, Joe Bloggs, 12 High Street) so that we can match them up with your complaint.

Section 7: Sending the complaint

In order for your complaint to be assessed a fee in excess of £605 will be applicable. Please contact Runnymede Borough Council's planning department (contact details are at the beginning of this guidance) for details of the up to date fee.

All cheques should be made payable to Runnymede Borough Council.