



HIGH HEDGES COMPLAINT FORM GUIDANCE NOTES

We would like to process your complaint as quickly and efficiently as possible. So that we receive all the information we need, please use these notes to help.

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*. You should receive a copy of this leaflet with the complaint form. Copies of this leaflet, and other information about trees and hedges, are also available on the web site of the Office of the Deputy Prime Minister (www.odpm.go.uk/treesandhedges).

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 the Planning office on 01271 388288 or email planning@northdevon.gov.uk

Application form

Section 1: Attempts to resolve the complaint.

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

Example 1 –

- 12 March 2005 – phoned neighbour (name and address) to ask if we could discuss the hedge. Met on 19 March but we could not agree a solution;
- 15 April – mediators visited (names and details);
- 29 April – met neighbour (name) and mediators (names) but still could not find an answer we were both happy with;
- 14 May – wrote to inform neighbours (name) that I would be complaining to the Council.

Example 2 –

- 12 March 2005 – wrote to neighbours (name and address) to ask if we could discuss the hedge. Two weeks later, still no reply;
- 9 April – wrote to ask if he would speak to a mediator. Two weeks later, still no reply;
- 7 May – wrote to inform neighbours (name) we would be complaining to the Council.

Example 3 –

- 12 March 2005 – saw neighbour (name and address) in their garden and asked if we could discuss the hedge. Neighbour (name) came around on 19 March. Saw the effect of the hedge for themselves. Sympathetic but unwilling to reduce the hedge as much as we wanted;
- 9 April – neighbours 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 (name) again and told them that, if we could not agree a solution, we would make a formal complaint to the Council.
- 7 May – 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.

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. A representative can assist you with your complaint application (which is why we include a section for their contact details), but the actual complaint will need to be in your name.

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.

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. Please note that a copy of your completed 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 problems 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.

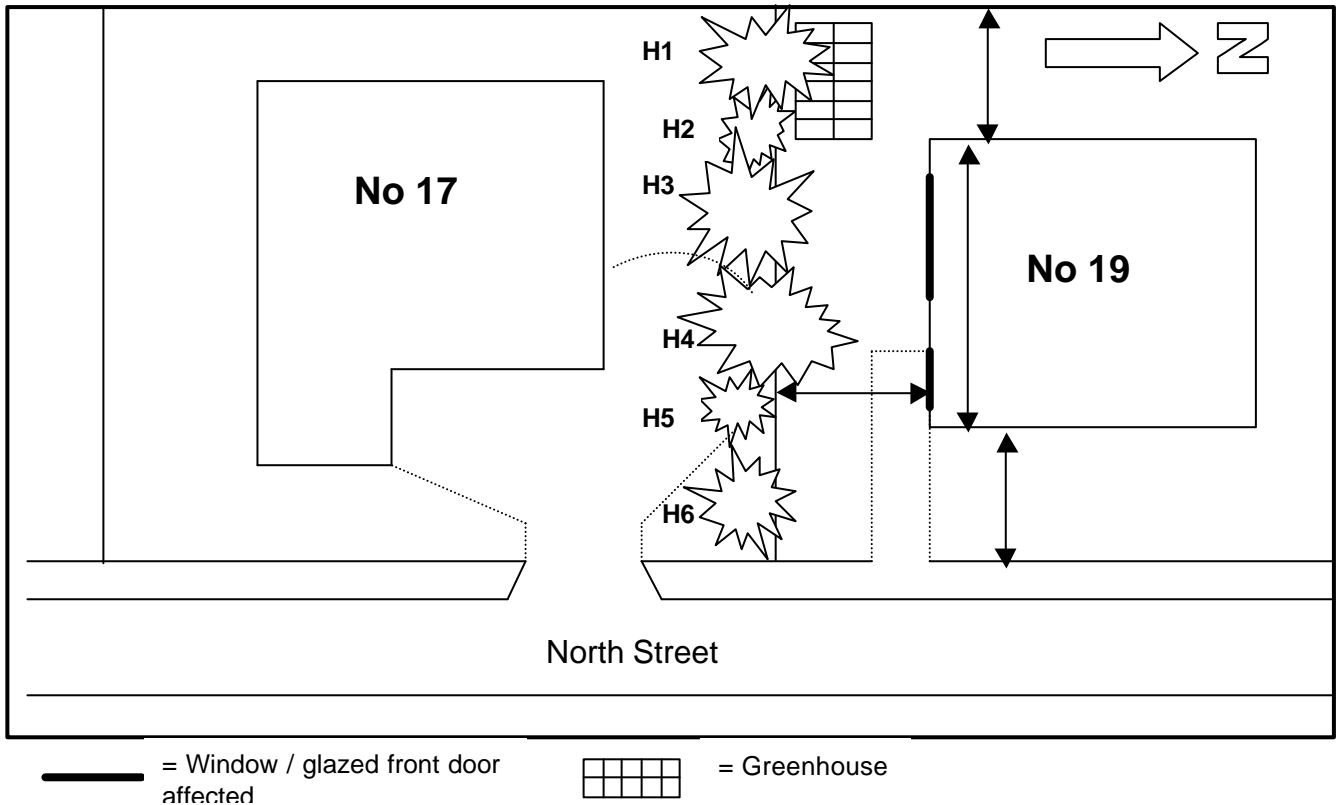
If you are complaining about a hedge blocking light, please also show on your plan:

- 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 metric (metres / centimetres, etc).

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.

Example sketch –



List of trees / plants:

H1 Leylandii – approx 7.0 metres high. 1.75 metre overhang into garden over the greenhouse. 5.5 metres from window.

H2 Leylandii – approx 4.0 metres high. 0.6 metre overhang. 0.1 metre from greenhouse. 4.0 metres from window.

H3 Leylandii – approx 9.0 metres high. 1.75 metre overhang. 3.5 metre from window.

H4 Leylandii – approx 10.00 metres high. 2.75 metre overhang. 2.75 metre from windows / front door.

H5 Leylandii – approx 3.5 metres high. No overhang into garden. 5.5 metres from window / front door.

H6 Holly tree – approx 4 metres high. 0.5 metre overhang. 7.0 metres from front door.

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 and 6, and Applicant / Representative contact details.

We need to know all these details 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.

Even if someone else is submitting the complaint on your behalf, it is important that we have your contact details.

It may also be necessary for us to get in touch with you and/or the owner / occupier of the neighbouring property to visit so that we can see for ourselves the effect of the hedge.

The representative may be a friend, a relative, or perhaps a professional adviser or other representative. It is important that we have their full name(s) and contact details.

Please note: You will be our main contact on all matters relating to this complaint. We will direct all queries and correspondence to you.

If the site where the hedge is growing does not have a postal address, use the address box to describe as clearly as possible where it is. For instance, 'Land to the rear of 12 to 18 High Street', or 'Park adjoining Tower Road.'

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 web site (www.landregistry.gov.uk) or can be obtained from their local office:

Land Registry, Plymouth Office, Plumer House, Tailyour Road, Crownhill, Plymouth PL6 5H
Telephone: 01752 636000 Fax: 01752 636161

The current fee for this service is £4.00 if you know the full postal address of the property.

Alternatively, Land Register Online (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 £2.00 each. The register includes ownership details.

Section 7: 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 (eg, January 2005 – surveyors report). This will help us check that we have received everything correctly.

If you are submitting this form by email but will be posting supporting documents to us separately, please ensure that all documents have a reference or title on them so that we can match them up with your complaint.

Section 8: Declaration and fee.

Please ensure that you sign and date the form.

If you have to pay a fee, you should make cheques out to 'North Devon District Council'.

The Council is now able to accept payments by debit and credit cards for all of its services. There will be no charge for debit card payments, but a 2% service charge will be placed on credit card transactions. Payments can be made by:

- Automated telephone system – call 01271 329539, 24 hours per day;
- Via the NDDC web site – there is a link on the Home Page, 24 hours per day;
- During office hours in person at Lynton House, Ilfracombe Area Office, South Molton Area Office, or in individual offices at the Civic Centre;
- By telephone when dealing with most departments of the Council.

We are currently unable to accept payment from Diners Club, American Express and JCB cards.

Useful contacts.

North Devon District Council, Planning Service –
Telephone: 01271 388288 Fax: 01271 388293
Email: planning@northdevon.gov.uk
Web site: www.northdevon.gov.uk

Office of the Deputy Prime Minister – www.odpm.gov.uk