

You will need to return the form together with the fee and evidence that you have approached your neighbours recently and been rebuffed. There is no time limit for this, though we expect to see evidence has been within the previous few months.

Fees

Fees are set annually by Gloucester City Council. For 2012 the fee is £390. Applicants who are receiving income support, pension credit guarantee or state retirement pension may pay reduced fee of £90. Information about how to claim the concession is sent with the complaint form.

The fee is non-refundable, but will be returned if your application does not meet the strict conditions required or is incorrectly filled in. It may also be returned at our discretion if you have reached agreement with the hedge owner before we start work on your case.

What can the Council do?

The Council has powers to require an owner to reduce the height of any hedge that meets the criteria above so that it reduces the nuisance caused to neighbours.

The Council cannot cause any tree or hedge to be removed under these powers (though an owner is at liberty to do so if he thinks that an easier solution), and cannot require a hedge to be lowered more than needed to remove the nuisance. The final height required will depend on the size of your garden or the nearness of the hedge to your window. The Council cannot order that a hedge is reduced below 2 metres in height.

If an owner refuses to take action after receipt of a notice, the Council can take action itself as it has powers of entry (the owner would be billed for the work) and/or can prosecute in the magistrates court. Before this stage, the owner can appeal to the Planning Inspectorate. You can too if you believe the Council's response is inadequate. However, there is no recourse to appeal if your complaint is rejected as not meeting all the criteria.

My problem is not covered by this act. What can I do?

You will find the leaflet "Over the Garden Hedge" useful in helping you to discuss the problem with the hedge owner. The Act specifically excludes complaints about the effect of roots. A recent appeal has shown that tree owners are responsible for any damage caused by roots. If you believe your house is being damaged by roots you should inform the tree owner and your insurance company.

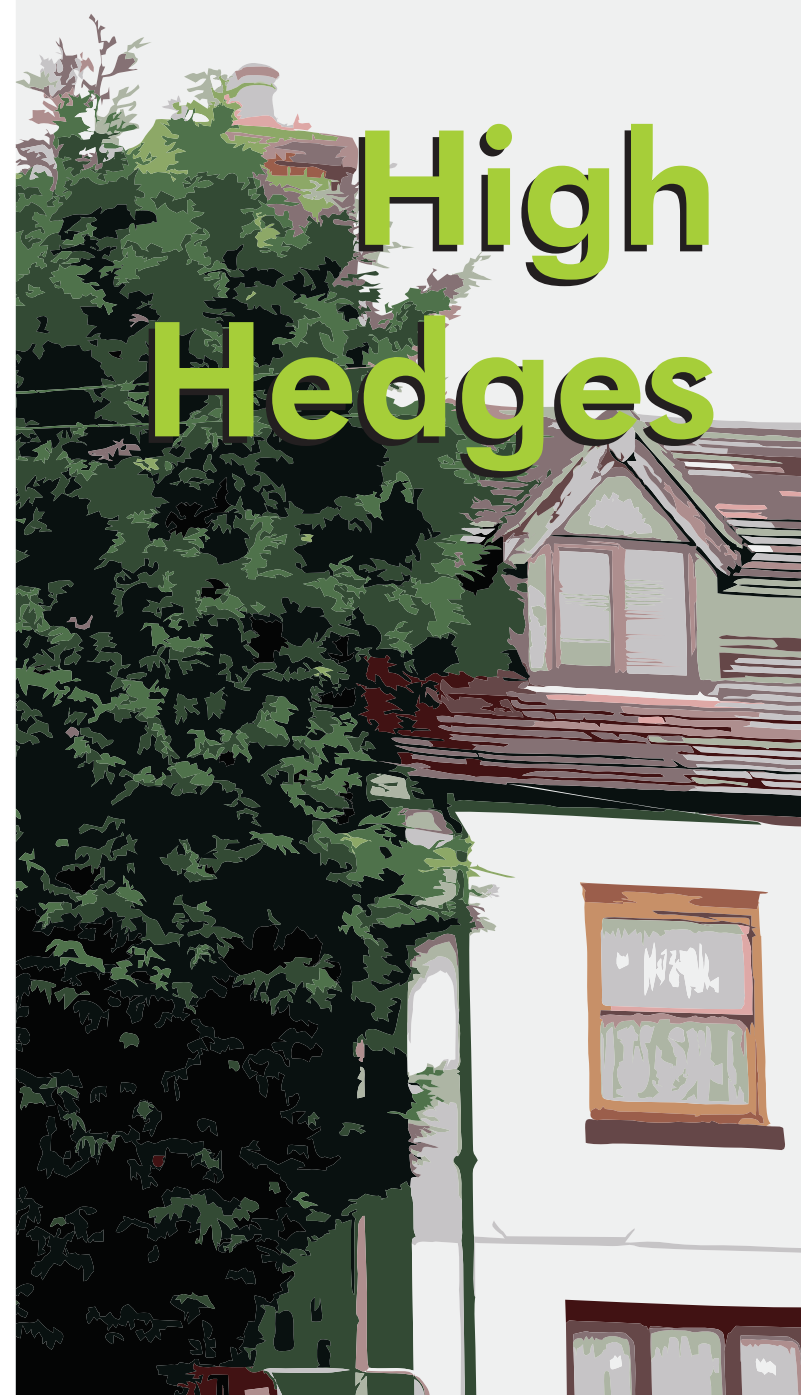
You have the common law right to cut back to your boundary any tree or hedge branches that overhang your land. If you live in a Conservation Area or the tree is protected by a Tree Preservation Order, you **MUST** seek the Council's permission. You **DO NOT** have any right to cut the top of such trees or hedges. Likewise you can cut back any roots. It is courteous to inform your neighbour first.

Help with accessing this information
www.gloucester.gov.uk

City Council Translation Unit
T:01452 396909

For large print versions or help with other accessibility issues you may have with this document
T:01452 396396

Justin Hobbs (Tree Officer)
Environment and Planning
T: 01452 396897
E: heretohelp@gloucester.gov.uk
www.gloucester.gov.uk



May 2012

Gloucester
City Council
Transforming Your City

High Hedges

This information will be useful if you are a hedge owner or believe your neighbour's hedge is affecting you.

The Law

The Anti-Social Behaviour Act 2003 Part 8 - High Hedges requires local councils to determine certain very restricted complaints about high hedges. The Council can decide whether there is a nuisance or there is no nuisance. Nuisance is loss of reasonable enjoyment of your property. A fee is charged for this service.

If a nuisance is found a notice can be issued as a Land Charge on the land where the hedge is. The notice may require the owner to reduce its height to a set level and keep it below this level by annual trimming. Timescales for action will be set (with regard to the nesting season).

If the notice is ignored the owner or occupier can be fined in magistrates court (currently £1000 max) with a potential daily increase until the required action is taken and/or the Council can arrange for the work to be done. Costs will be recovered from the owner of the hedge as a charge on the property. It is also possible that a complaint may be upheld but no action is required.

To decide if the hedge in question comes under the Act, the answer to all the following points must be YES.

- Does the hedge act to some degree as a barrier to light or access - even though it might have gaps in it?
- Are there two or more trees or shrubs in it and are these roughly in line?
- Is the hedge comprised wholly or predominantly of evergreen or semi-evergreen trees or shrubs?

- Is it over 2 metres high?
- Is it growing on land owned by somebody else?
- Are you the owner or occupier (tenant) of the property affected by the hedge?
- Is the affected property residential?

If any one of these conditions is not met, the Council cannot assist, by law. However the whole hedge does not need to meet these conditions, as long as some parts of it qualify.

Even if the criteria above are met, there is still a need to show that the hedge is causing significant loss of "reasonable enjoyment" of the complainant's property.

The Council will be using the publication "Hedge Height and Light Loss" to help determine if a hedge is causing such a nuisance. You may well wish to use this document yourself before you submit a complaint.

Who can complain?

The owner or the occupier of affected dwellings can bring a complaint. It is however unlikely that someone would be in a position to complain shortly after moving into a property as they would need to have some experience of the adverse effects of the hedge and to have taken steps to negotiate a solution with the neighbour. Tenants should check their tenancy agreement before contacting the Council. Occupiers should notify owners before a complaint is submitted. Letting owners know that you are about to complain may change their mind. If the hedge is on public land, please make this clear when you contact us. Your enquiry will then be passed to our arboriculturist. If you live in

Council owned or housing association owned property, you are usually responsible for plants in your garden, just as if you own the house.

What do I do next?

Once you have decided that the hedge meets the criteria, you will need to follow the advice in "Over the Garden Hedge". Approach your neighbour and try to sort out your problem amicably. Only if speaking to your neighbour and attempting mediation has not been successful should you approach the Council. We are not a mediation service and will need to see that you have exhausted all other avenues.

If you now believe that your neighbour has a hedge that is causing loss of reasonable enjoyment of your property under the terms of the Anti Social Behaviour Act, then call 396396 and ask for a High Hedges complaint form.

You will be asked for your name and address and the name and address of the owner of the hedge. We will send you the form, guidance on how to complete it, fee information and the leaflet "High Hedges: Complaining to Council".

