



# GUIDANCE NOTES

## High Hedges 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*. The notes refer to the **Sections** and **Questions** on the form.

Consideration of your complaint will be delayed if you do not complete the form properly or fail to provide all the information requested.

### Section 1: Attempts to resolve the complaint

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

#### Example 1

- 12 March 2005 – phoned neighbour (*name, address*) 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 (*name,*) and mediators. Still could not find a mutually acceptable solution.
- 14 May – wrote to inform neighbours (*name,*) a complaint would be lodged with the Council.

#### Example 2

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

### **Example 3**

- 12 March 2005 – saw neighbours (*name, address*) in their garden and asked if we could discuss hedge. Neighbours (*name*) 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 (*name*) willing to try mediation but we discovered 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.
- After a couple of weeks we confirmed, in writing, that we would be proceeding 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 to provide evidence of your latest attempts to settle it.

## **Section 2: Criteria for making a complaint**

### **Who can complain**

Q 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 leaseholder) you can still make a complaint; you should let the owner (e.g. landlord or management company) know that you are doing so.

Q 2.7 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 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 directly connected with the height of the hedge. For example, if the roots of the hedge are pushing up a path.

We cannot consider matters or circumstances that are not directly relevant to the hedge in question. For example, that other people trim their hedges to a lower height; or that the worry is making you ill.

Please 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:

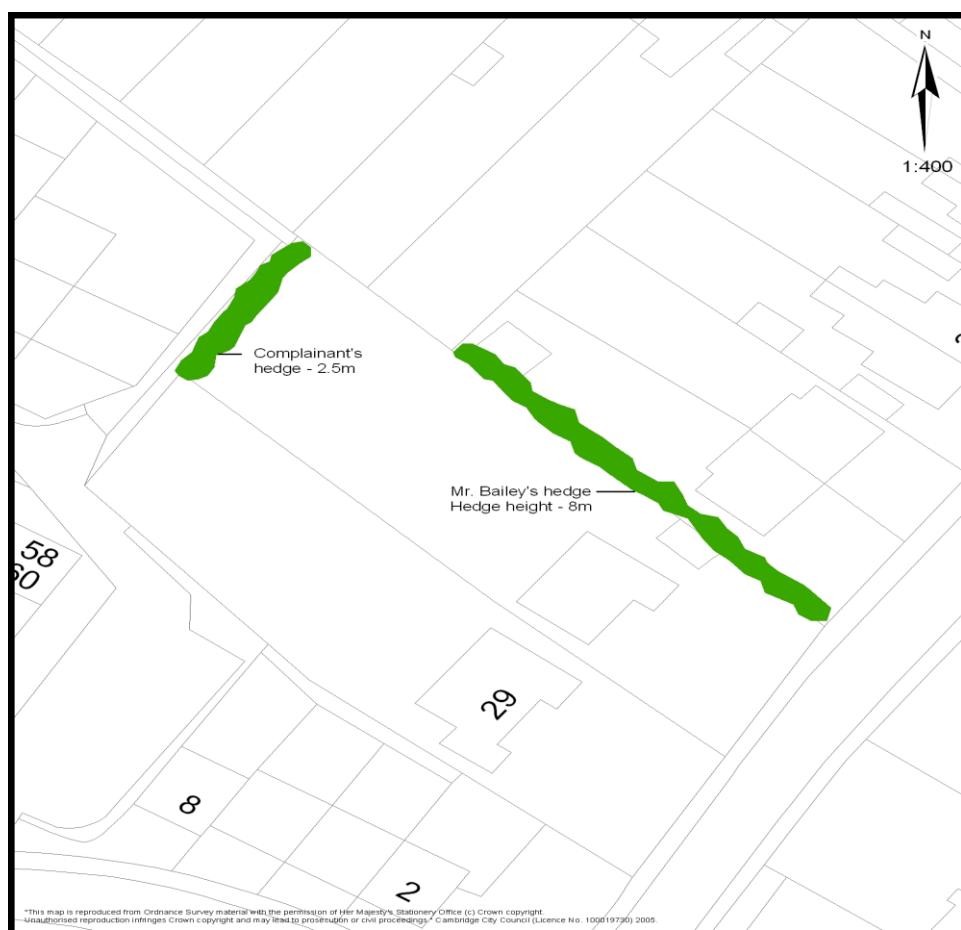
- Draw and name surrounding roads;
- Sketch in buildings, including adjoining properties. Add house numbers or names;
- Mark clearly the position of the hedge and how far it extends;

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

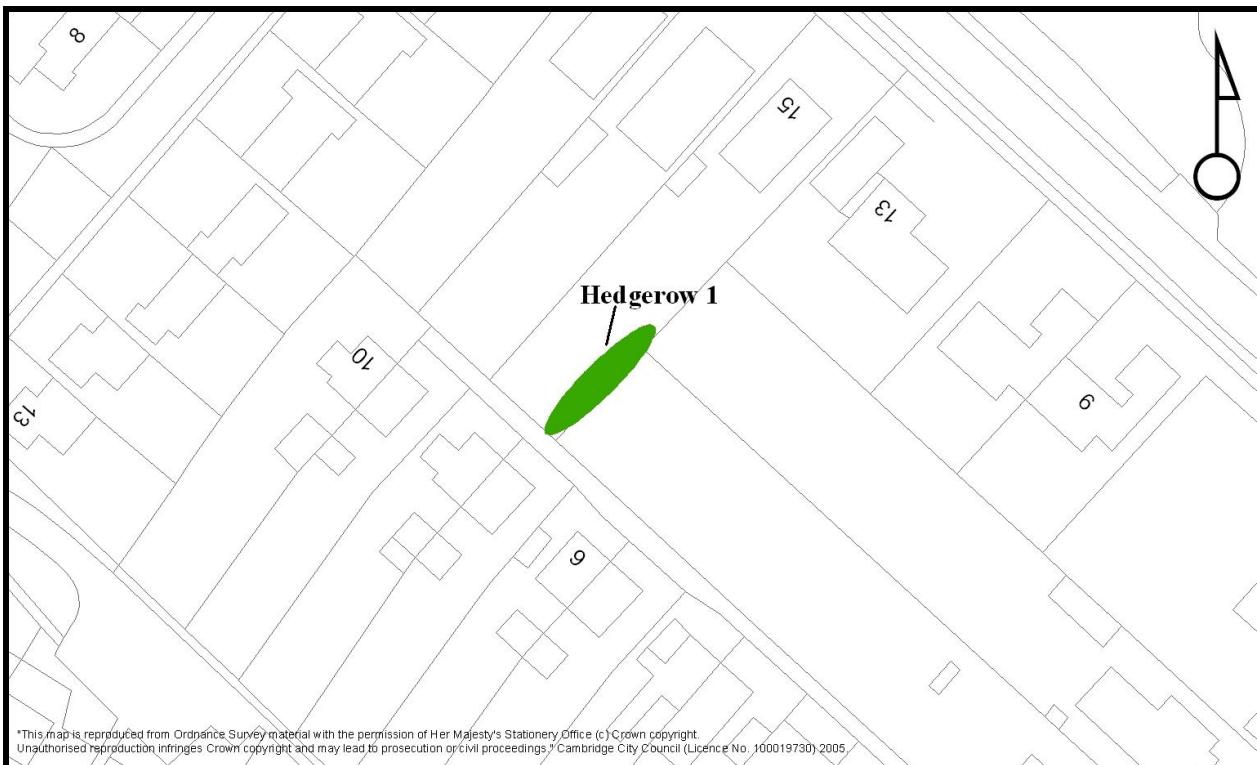
- Which direction is North;
- The position of the windows that are affected by the hedge (e.g. whether they are located on the front, side or rear of the house, upstairs or downstairs);
- Relevant measurements (e.g. size of garden, distance between the hedge and any windows affected);

All measurements must be in metres (m).

### Example Plan 1



## Example Plan 2



Please include copies of any professional reports that may have been prepared for you and any other documents that you would like the Council to consider.

### Section 4: Previous complaints to the Council

The Council only needs to know about **formal** complaints, made under the high hedges Part of the Anti-social Behaviour Act 2003. Details of telephone calls or other informal contact with the Council about your hedge problems are irrelevant.

### Section 5: Who's who/ The parties

All the details of names and addresses must be completed because the Council is required by law to circulate documents and information, including the decision on the complaint, to the owner and occupier of the land on which the hedge grows.

- Q 5.1 Even if someone else is submitting the complaint on your behalf, it is important that the Council has **your contact details**.

Tick the 'Yes' box if you prefer to be contacted by **e-mail**. The Council cannot send documents to you electronically unless you agree.

- Q 5.2 This section must be completed **if the complainant does not live in the property affected by the hedge**. The Council requires this information to contact the occupier to arrange a site visit to view the hedge.

Q 5.3 Complete this section if you are an agent, professional adviser, relative, friend or other representative.

**You will be our main contact on all matters relating to this complaint.**  
All queries and correspondence will be directed to you.

Tick the 'Yes' box if you prefer to be contacted by **e-mail**. The Council cannot send documents to you electronically unless you agree.

Q 5.4 This will be the **person you have spoken to normally** when you have tried to agree a solution to your hedge problem.

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

This information is required in order to contact these people for their comments, and to arrange a site visit to inspect the hedge.

Q 5.5 If you are unsure or do not know 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.

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 format can be downloaded in PDF format. 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 to ensure the Council has everything required.

If you are submitting this form by e-mail but will be posting supporting documents separately, please write a reference number or title on them (e.g. *hedge complaint, name, address*) so that they can be matched up with your complaint.

## **Section 7: Sending the complaint**

If you have to pay a fee, you should make your cheque payable to **Cambridge City Council**.

## **Section 8: Fees**

The Act allows Councils to charge a fee for determining a complaint about a high hedge. The City Council has set a fee of £450. A concession fee of £225 is offered to those receiving the following support, where proof of qualification must be provided:

- Job Seekers Allowance Income Based (Job Seekers Allowance Contributory is not eligible);
- Housing Benefit;
- Disability Living Allowance;
- Family Income Supplement
- State Retirement Pension;
- Full time students who are 18 or over ;
- Income support;
- Working Tax Credit.

## **Refunds**

- The whole fee is refunded where a complaint is invalid, except in cases where it is frivolous or vexatious;
- A refund of 50% of the fee is made where a complaint is resolved before a technical officer visits the site;
- Refunds are not given where the matter is resolved by the parties outside the complaints procedure;
- No refund is offered where a complaint is found in favour of the complainant.