

# High Hedges Complaint Form



Durham County Council  
Planning Services

Use this form to submit a complaint to the Council about a high hedge, under Part 8 of the Anti-social Behaviour Act 2003.

It should be completed by the person making the complaint or their representative. Please use BLOCK CAPITALS and black ink.

Before completing this form, please read the guidance notes sent with it and the leaflet *High Hedges: complaining to the council*.

**YOU MUST PAY A FEE WHEN YOU SEND IN THIS FORM. The current fee is £385.**

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

## Applicants details

Title	Mr / Mrs / Miss / Ms
Forename	
Surname	
Address	
Postcode	
Daytime Tel. No.	
Email Address	

Is the complainant content for us to contact them by email, at the address provided? Yes / No

## Representative details

To be completed if a representative is submitting the complaint on your behalf

Title	Mr / Mrs / Miss / Ms
Forename	
Surname	
Address	
Postcode	
Daytime Tel. No.	
Email Address	

Is the Agent, or other person named above, content for us to contact them by email at the address provided? Yes / No

**Address of the site where the hedge is growing**

Please also give the name and contact details (if known) of the person who lives at this address.

Address	
Postcode	

Forename	
Surname	
Daytime Tel. No.	
Email Address	

**Name and address of the person who owns the property where the hedge is situated, if different to above and if known.**

Forename	
Surname	
Address	
Postcode	
Daytime Tel. No.	
Email Address	

**1) Attempts to resolve the complaint**

Please describe what you have done to try to settle this matter. Give dates and say what the result was. Please provide copies of any letters that you mention.

**1.1 Approached the neighbour / hedge owner and asked to discuss the problem?**

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**1.2 Asked the hedge owner to try mediation?**

**1.3 Have you informed them of your intention to complain to the Council?**

**If you have not tried all the above steps, the Council might not proceed with your complaint.**

**1.4 Anything else you wish to add?**

## 2) Criteria for making a complaint.

### About the Hedge.....

- 2.1 Is the hedge, or portion that is causing the problem, made up of a line of 2 or more trees or shrubs? Yes  No
- 2.2 Is it mostly evergreen or semi evergreen? Yes  No
- 2.3 Is it more than 2 metres above ground level? Yes  No
- 2.4 Even though there are gaps in the foliage or between the trees, is the hedge still capable of obstructing light or views? Yes  No
- 2.5 If the answer is 'yes' to the above question, is the hedge still capable of obstructing light or views? Yes  No
- 2.6 Is it growing on land owned by someone else? Yes  No

### Who can complain?

- 2.7 Is the complainant the owner or occupier (e.g. tenant) of the property affected by the hedge? Yes  No

Please delete whichever does not apply

OWNER / OCCUPIER

- 2.8 Is the affected property residential, ie is it a dwelling or a part of a building occupied as a separate dwelling? Yes  No

**If you have answered 'No' to any of the questions in this section, the criteria have not been met and the Council cannot consider your complaint.**

## 3) Grounds of complaint

Please describe the problems actually experienced as a result of the hedge being too tall, it will save time and help your case if you stick to the facts and provide all relevant information to back up the points you are making.

*Continue on a separate sheet if necessary.*

To help the Council understand your situation, please provide a photo of the hedge 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.

#### **4) Previous complaints to the Council**

**1.1 Has a formal complaint been made to the Council before about this hedge**      Yes       No

If 'No' please go to section 5.

**4.2 If 'Yes' do you know the date and/or the reference number of the Council's decision letter?**

Date and Ref number, if available

What has changed since the Council last looked at this?

**If the situation has not changed, the Council might not proceed with your complaint.**

**5) Supporting documents and fee**

Have you enclosed the following?

Tick Box

A photo of the hedge

A location plan of the hedge and surrounding properties

Copies of correspondence with your neighbour about the hedge

Copies of any other documents that you mention

Payment of the fee £385 (made payable to Durham County Council)

**6) Declaration**

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.

Tick box

**Signed..... Date.....**

## 7) Sending the complaint

Please send this form and ALL enclosures to your relevant planning office:

<b>Central and East Area Planning Team</b> Planning Development (Central/East) Durham County Council County Hall Durham DH15UL <b>Tel 03000 263966</b> Email <a href="mailto:planning@durham.gov.uk">planning@durham.gov.uk</a>	<b>Northern Area Planning Team</b> Planning Development (North) Durham County Council County Hall Durham DH1 5UL <b>Tel 03000 264876</b> Email <a href="mailto:planning@durham.gov.uk">planning@durham.gov.uk</a>	<b>South West Area Planning Team</b> Planning Development (South/West) Durham County Council County Hall Durham DH1 5UL <b>Tel 03000 260831</b> Email <a href="mailto:planning@durham.gov.uk">planning@durham.gov.uk</a>
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### AND

Please also send a copy of this form to the people identified in above as the owner of the land. Please tick the box to show you have done this

### Supplementary Questions

Is the applicant a member of staff at Durham County Council? Yes / No

Is the applicant related to any member of staff or a current elected member of Durham County Council? Yes / No

**Please note that for the purposes of the Town and Country Planning (Applications) Regulations 1988, this supplementary list of questions forms an integral part of the application and must be completed.**

For more information -

Please also refer to the leaflets '*Over the garden hedge*' and '*High hedges: Complaining to the Council*' for more advice.

## **GUIDANCE NOTES FOR COMPLETING THIS 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, do not provide the information requested or do not pay the correct fee. The current fee for making a complaint is £385.

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

### **CONTACT DETAILS**

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. This includes our decision on the complaint.

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

The Council will contact you by post unless you prefer to be contacted by e-mail. Please indicate if this is your preferred method of contact.

We need the information on the address of the property affected 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.

The owner of the property causing the problems 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, eg 'Land to rear of 12 to 18 High Street' or 'Park adjoining Main 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.

### **ATTEMPTS TO RESOLVE THE COMPLAINT**

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

#### ***Example 1***

12 March 2005 - phoned to ask if we could discuss hedge. Met on 19 March but we couldn't agree a solution;

15 April - mediators visited;

29 April - met neighbours and mediators, but still couldn't find an answer we were both happy with;

14 May - wrote to inform neighbour would be complaining to Council.

#### ***Example 2***

12 March 2005 - wrote to ask if we could discuss hedge. 2 weeks later still no reply;

9 April - wrote to ask if would speak to mediator. 2 weeks later still no reply;



7 May - wrote to inform neighbour would be complaining to Council.

### **Example 3**

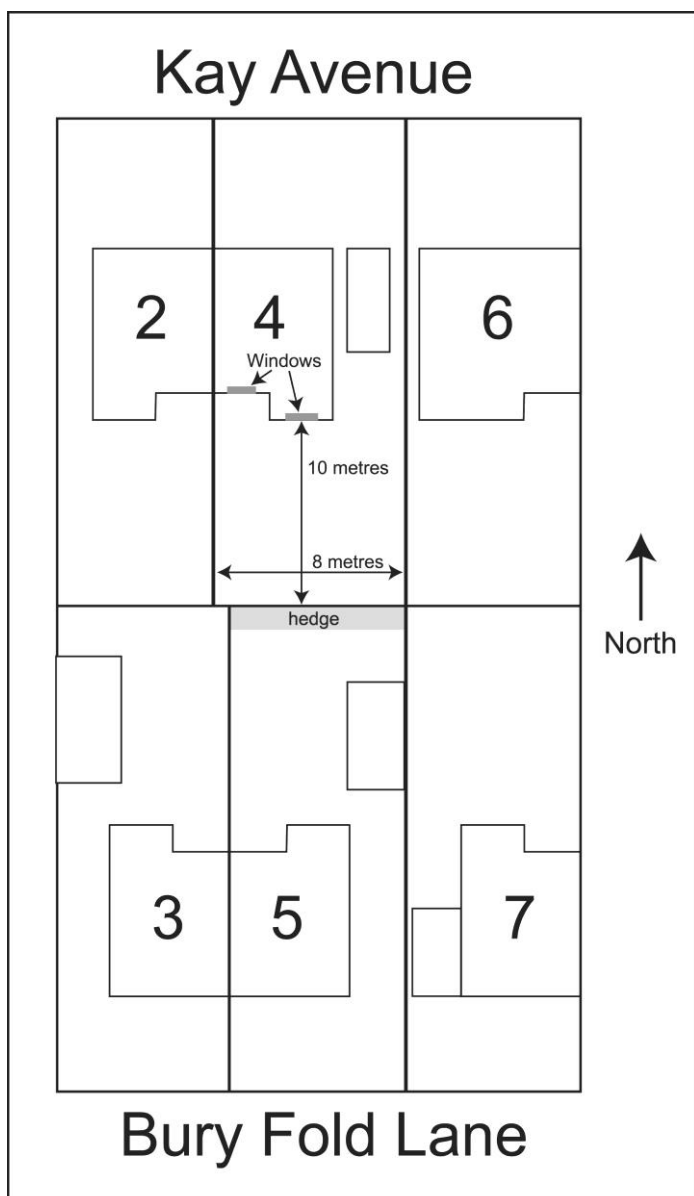
12 March 2005 - saw neighbour in their garden and asked if we could discuss hedge. Neighbour came round on 19 March. Saw the effect of the hedge for themselves. Sympathetic but unwilling to reduce the hedge as much as we wanted and unwilling to try mediation.

23 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 - especially if the dispute is a long-running one. You need only provide evidence of your latest attempts to settle it.

## **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. 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 some living accommodation otherwise we cannot consider the complaint.

### **GROUNDINGS 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 site where the hedge is growing.

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, please 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.
- Mark which way north is.

If you are complaining about the hedge blocking light, please mark which way is north on your plan and provide relevant measurements (eg size of garden, distance between the hedge and any windows affected). **All measurements must be in metres (m).**

Please include copies of any professional reports that you may have had prepared.

### **PREVIOUS COMPLAINTS TO THE COUNCIL**

We only need to know about written complaints, made under the High Hedges part of the Anti-social Behaviour Act 2003. You don't need to tell us about telephone calls or other informal contact with the Council about your hedge problems.

### **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 2013 - surveyor's report). This will help us to check that we have got everything.

If you are submitting this form by email but will be posting supporting documents to us separately, put a reference number or title on them (eg hedge complaint, 12 High Street) and refer to the date the email was sent, so that we can match them up with your complaint.

### **SENDING THE COMPLAINT AND METHOD OF PAYMENT OF FEE**

You should post or e-mail the completed form to address stated in this section of the complaint form.

The fee of £385 should be paid when you return this form. Your cheque should be made payable to "Durham County Council".