

Rochford District Council

High Hedges: 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 of the questions, please contact the Planning Department on 01702 318191 or email to high.hedges@rochford.gov.uk.

You can also obtain translations and large print versions of this guidance and the form by contacting the Planning Department.

1. Attempts to Resolve the Complaint

Please keep the descriptions brief but say how you made the approach (e.g. face to face, phone, 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 couldn't agree a solution;
- 15 April - mediators visited;
- 29 April - met neighbours [Mr Bloggs] 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 neighbours to ask if we could discuss hedge. Two weeks later still no reply;
- 9 April - wrote to ask if would speak to mediator. Two weeks later still no reply;
- 7 May - wrote to inform neighbours would be complaining to council.

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Example 3

- 12 March 2005 - saw neighbours [Mr Bloggs] in their garden and asked if we could discuss hedge. Neighbours 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 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 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.

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 some living accommodation otherwise we cannot consider the complaint.

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 site where the hedge is growing, and to the person living there if they are different people.

Concentrate on the hedge and the disadvantages you actually 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 considered to be causing damage.

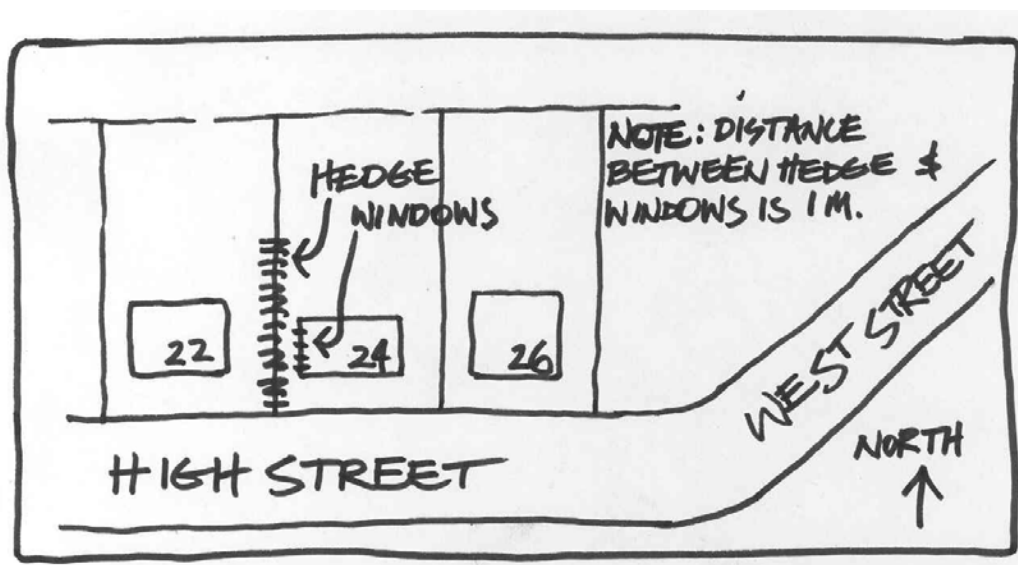
Nor can we consider things that are not directly about the hedge in question. For example, that other people keep their hedges trimmed to a lower height; or that the worry is making you ill.

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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.
- Mark which way north is.



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.

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 don't need to tell us about telephone calls or other informal contact with the council about your hedge problems.

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 the complainant's 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.

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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. **This person will be our main contact on all matters relating to this complaint.** We will direct all queries and correspondence to them. Please bear this in mind.

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 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.

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 the 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.

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 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 (e.g. hedge complaint, 12 High Street) so that we can match them up with your complaint.

7. Sending the Complaint

You should make out your fee cheque to Rochford District Council. If you are paying the reduced fee, you will need to provide appropriate evidence.

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8. Further Points

In considering an application you should note that the Council will not deal with frivolous or vexatious complaints and where a fee has been paid, this may not be refundable.

Appeals will be considered by the Planning Inspectorate. Under the provisions of the Act, the complainant and the owner and occupier of the land where the hedge is situated can appeal against: the issue of a remedial notice; the withdrawal of a remedial notice; and the waiver or relaxation of its requirements. In addition, the complainant can appeal against: a decision by the Council about the height of a hedge and its impact; and a decision not to require remedial action.