

High Hedges:

PRE-COMPLAINT CHECKLIST

Application No: Fee:

Before the council can consider your complaint you need to respond to the questions below. For help on answering the questions, please read the guidance notes overleaf.

	Yes	No
1. Is the hedge - or the portion that is causing problems - made up of a line of two or more trees or shrubs?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is it mostly evergreen or semi-evergreen?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is it more than two metres above ground level?	<input type="checkbox"/>	<input type="checkbox"/>
4. Even though there are gaps in the foliage or between the trees, is the hedge still capable of obstructing light or views?	<input type="checkbox"/>	<input type="checkbox"/>
5. Is it growing on land owned by someone else?	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the complainant the owner or occupier (e.g. tenant) of the property affected by the hedge?	<input type="checkbox"/>	<input type="checkbox"/>
7. Is the property affected by the hedge residential?	<input type="checkbox"/>	<input type="checkbox"/>
8. Have you asked to discuss the problem with the hedge owner?	<input type="checkbox"/>	<input type="checkbox"/>
9. Have you asked the hedge owner to try mediation?	<input type="checkbox"/>	<input type="checkbox"/>
10. Have you informed the hedge owner of your intention to complain to the council?	<input type="checkbox"/>	<input type="checkbox"/>

If you have answered 'Yes' to all the above questions, you may proceed to making a complaint. You will need to return this form, complete the 'High Hedges: Complaint Form' and pay the appropriate fee. Your fee may not be refunded if your complaint is considered to be invalid. If you answered 'No' to any of the above questions, the criteria have not been met and so the council will not consider your complaint.

Guidance notes

These guidance notes are to help you understand the questions overleaf. For further guidance, you should read the leaflet High hedges: complaining to the Council.

Question 1 – line of two or more trees and shrubs

A complaint cannot be made under the Act about single trees or shrubs. A tree or shrub that has multiple stems, all growing from the same trunk or root plate, remains a single tree or shrub and so falls outside the scope of the Act. The two or more trees or shrubs do not have to form a straight line – but must be roughly in line.

Question 2 – Mostly evergreen or semi-evergreen

The Act applies to hedges that are predominantly evergreen or semi-evergreen. Evergreen species includes Leyland cypress, conifers and laurel. It does not include climbing plants such as ivy or bamboo. The term semi-evergreen normally means that the hedge retains some live foliage (green leaves) throughout the year. This may include privet but will depend on how much foliage is retained throughout the year. Beech and hornbeam are excluded as foliage retained is dead and brown.

Question 3 – more than two metres above ground level

The two metres should be measured from the ground where the hedge is growing – usually the hedge owner's side. Ground level means the natural level of ground where the hedge is located.

Question 4 - barrier to light

This relates to the physical appearance of the trees or shrubs in question and what they look like above two metres. It is a matter of judgement whether the hedge is capable of obstructing light or views. If trees or shrubs are so widely spaced that you can see what lies behind them, it is unlikely to meet the criteria for making a complaint.

Question 5 – location of hedge

The hedge must be on land that is owned by someone other than the complainant. The hedge does not have to be next door but the further away the hedge is, the less its impact is likely to be. It does not have to be growing in someone else's garden – it could be on parkland or on commercial premises.

Question 6 – complainant

If you do not own the property affected by the hedge, you can still make a complaint but you should let the owner (e.g. landlord, management company etc) know what you are doing.

Question 7 – residential property

A person can only make a complaint if a domestic property is affected by the hedge. The Act defines domestic property as a dwelling or associated garden and yard. Complaints cannot be made if the hedge is affecting a garage, barn, summerhouse, greenhouse, shed or other building used for storage or for purposes other than as living accommodation.

Questions 8, 9 and 10 - attempts to resolve complaint

A recent attempt to resolve the hedge dispute should have been made since the legislation was announced. If you feel unable to speak to the hedgeowner, you should write them a letter and keep a copy. Mediation should have been attempted before making a formal complaint. Broxtowe Borough Mediation Service is a free, impartial and confidential service which aims to resolve conflicts. For more information about this service, please contact the Mediation Service through the Council Offices, or by calling 0115 917 3736. The Council can turn your complaint away if we feel that you have not done enough to sort out the problem yourself.