



Application for investigation – High Hedges

Guidance Notes

General

These guidance notes are to help you fill in the form to make a complaint about a neighbouring high hedge. You should also read 'A Guide to Dealing with High Hedges' and 'Over the Garden Hedge' prior to completing this application.

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 Plans Processing Unit on (01904) 551362.

You must complete **THREE SETS** of forms and accompanying plans. Two for the Council and one for Owner of the hedge.

A fee of £350 is payable for this application.

1

Complainant Details

The person here 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. If you have an agent/representative all correspondence will go to them.

There are some documents that we are required, by law, to send to the owner/occupier of the affected property. These include our decision on the complaint.

2 *Property affected by the hedge*

- 2.2 Keep the description short e.g. flat above shop; home & Doctors surgery combined. The property must include living quarters otherwise we cannot consider the complaint.
- 2.3 - We need this information as we will have to contact this person to arrange to visit the property affected by the hedge.
- 2.5
- 2.6 This is the person who owns the freehold of the property-not a management company. Any tenancy agreement or lease should have this information. If not, you can check with the Land Registry. The relevant form is on their website (www.landregistry.gov.uk) or it can be obtained from Land Registry Durham Office, Southfield House, Southfield Way, Durham, DH1 5TR
Tel.: 0844 892 1111 (call charges apply).

You do not need to be the owner of a property affected by a high hedge to make a complaint. But you should let the owner know what you are doing.

3 *Location of Hedge*

- 3.1 We need this information because we will have to get in touch with these people to get their side of things and to arrange to visit the site where the hedge is growing.
- 3.2

- This will normally be the person you have talked to when you tried to agree a solution to your hedge problems.
- 3.3

If you are in doubt about who owns the property, please see the note on question 2.6 above.

4 The Hedge

Please provide a photo(s) of the hedge. We need this to make sure that the hedge meets the legal definition.

Please also provide a location plan to 1:1250/2500 scale showing the location of the hedge and surrounding properties. Also a more detailed plan to scale of the site where the hedge is growing and the property it is affecting, with the hedge clearly marked on it and indicating the height of the hedge.

When drawing your plan, please make sure that you:

- Name relevant roads.
- Locate your house and property where the hedge is growing. The properties should be numbered or named.
- Mark clearly where the hedge is, how far it extends and its height.

Even if you have ticked all the 'Yes' boxes in this section, it does not necessarily mean that the hedge meets all the legal tests. We still have to make a judgement on whether the hedge as a whole has a significant impact on your living conditions.

5 Grounds of Complaint

It will help if you provide as much information as you can but keep it factual. Concentrate on the hedge and the practical problems that it causes because it is too tall.

We cannot consider problems that are caused by the roots of a hedge.

Please include copies of any professional reports you have had prepared. If you are complaining about the hedge blocking light, please mark which way is North on your plan (see note on section 4 above) and provide relevant measurements (e.g. size of garden, distance between hedge and any windows affected). All measurements must be in metres (m) and centimetres (cm).

6 Previous attempts to resolve the complaint

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

Example 1

13 November 2004 – phoned to ask if we could discuss the hedge; met on 20 November but we couldn't agree a solution; 14 December – mediators visited; held joint meeting but still couldn't find an answer we were both happy with; 4 January 2005 – wrote to inform neighbour would be complaining to Council.

Example 2

13 November 2004 – wrote to ask if we could discuss the hedge; 2 weeks later still no reply; 4 December – wrote to ask if would speak to mediator; 2 weeks later still no reply; 18 December – wrote to inform neighbour would be complaining to Council.

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.

7 ***Previous complaints to the Council***

If you have previously complained to the Council about this issue, please provide details of the date and reference number of the complaint and what you think has changed since then to require the Council to look at it again.

8 ***Checking and Sending***

Please make sure that you have ticked all the boxes.

You should make out your cheque payable to City of York Council.
