



TENDRING 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 may be delayed if you do not complete the form properly or do not provide all the information requested.

If you are still unsure how to answer any of the questions, please contact Customer Services on 01255 686161 or e-mail planning.services@tendringdc.gov.uk

Attempts to resolve the complaint (Section 1)

Please keep the descriptions brief and to the point. Say how you made the approach (e.g. in person, phone, letter) and what the result was.

Example - 1

- 21 April 2005 – phoned to ask if we could discuss the hedge. Met on 22 April but could not agree solution.
- 29 April 2005 – mediators visited
- 4 May 2005 – met neighbour and mediators, but still no solution agreed.
- 11 May 2005 – wrote to inform neighbour would be complaining to the Council.

Example – 2

- 21 April 2005 – wrote to ask neighbour if we could discuss hedge. 2 weeks later still no reply.
- 6 May 2005 – wrote to ask if neighbour would speak to mediator. 2 weeks later still no reply.
- 23 May 2005 – wrote to neighbour to say would be complaining to the Council.

Example – 3

- 21 April 2005 – saw neighbour in their garden and asked if we could discuss the hedge. Neighbour came round on 22 April and saw the effect of the hedge for themselves. Sympathetic but unwilling to reduce hedge as much as we wanted.
- Neighbours willing to try mediation but discovered that there is no mediation service available locally, and we live too far from the nearest service.
- 1 May 2005 – saw neighbour and told them that if we could not agree a solution, we would make a formal complaint to the Council. Left it for a couple of weeks then confirmed in writing that we would be going ahead with 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 (Section 2)

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.

The property does not have to be wholly residential but must include some living accommodation, otherwise we cannot consider the complaint.

Grounds of complaint (Section 3)

It would help if you provide as much information as you can, but you should 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 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 which 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 photograph of the hedge and a plan showing the location of the hedge, and surrounding properties.
- Mark and name surrounding roads, sketch in buildings, including adjoining properties and add house numbers or names.
- You need to mark clearly the position of the hedge and how far it extends (including measurements, e.g. size of your garden, distance between hedge and any windows affected etc). All measurements must be in metres.
- Mark the north point on the plan. This is particularly important if you are complaining about the hedge blocking light.
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Previous complaints to the Council (Section 4)

We only need to know about formal complaints made under the high hedges part of the Anti-social Behaviour Act 2003. You do not need to tell us about telephone calls or other informal contact with the Council about your hedge problems.

Complainant details (Section 5)

We need all the 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 is growing. 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.

Q5.2 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.

Q5.3 We need this information because we will have to contact this person to arrange a visit to the property so that we can see the effect of the hedge for ourselves.

Q5.4 This will normally be the person you have talked to when you tried to resolve the problems with the hedge. If the site does not have a postal address, try and describe the location as accurately as possible, e.g. 'Land rear of 6 The Orchard'. 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 this with the Land Registry. The relevant form (313) is on their website (www.landregistry.gov.uk) or it can be obtained from the Local Office. There is a fee for this service (currently £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 (the fee for this is currently £2). The register includes ownership details.

Supporting documents (Section 6)

Please make sure you have enclosed all the relevant documents, and that you have listed documents by date and title where necessary. This will help us to check that we have received everything. If you are submitting the form by e-mail and the documents by post, then please put a reference number or title on them (e.g. hedge complaint, 22 The Grove) so that we can match them up to your complaint.

You should make your cheque payable to Tendring District Council. If you are claiming a fee free determination ensure that originals of proof of housing benefit and or council tax benefit are enclosed.