

GUIDANCE NOTES

HIGH HEDGES COMPLAINT FORM



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 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 our Arboricultural Officer on 01429 523414, or e-mail derek.wardle@hartlepool.gov.uk.

You can obtain translations and large print versions of this guidance and the complaint form from the Council.

Part One. 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 2017 - 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 2017 - wrote to neighbour to ask if we could discuss hedge. 2 weeks later still no reply;*
- *9 April - wrote to ask if they would speak to mediator. 2 weeks later still no reply;*
- *7 May - wrote to inform neighbour that I would be complaining to the council.*

Example 3

- *12 March 2017 - 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;*
- *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.*

Part Two. Criteria for making a complaint

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. However you should let the owner (e.g. landlord or management company) know what you are doing.

Q2.7 Your property does not have to be wholly residential but must include some living accommodation otherwise we cannot consider the complaint.

Part Three. 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.

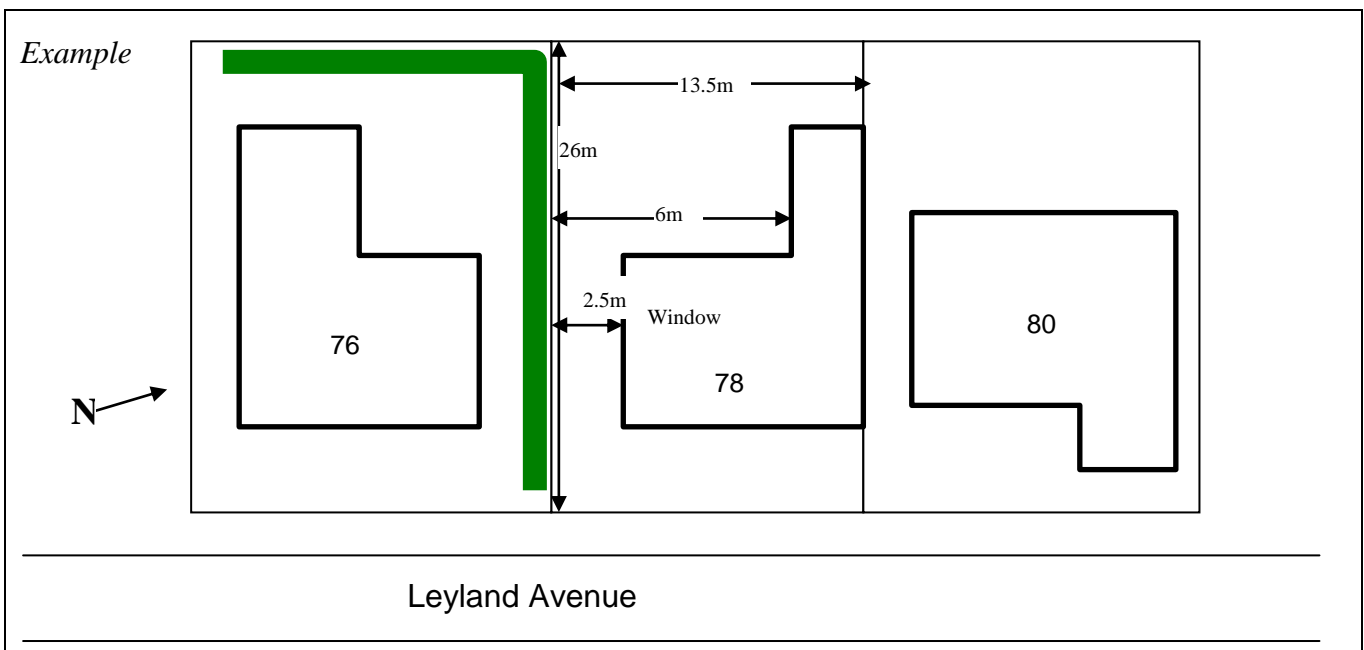
Concentrate on the hedge and the disadvantages you actually experience because it is too tall. We cannot consider problems that are not connected with the height of the hedge. For example, if the roots of the hedge are pushing up a path.

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 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.
- If you can, mark which way north is.



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

Provide relevant measurements (e.g. size of garden, distance between the hedge and any windows affected). All measurements must be in metres (m).

Part Four. Previous complaints to the Council

We only need to know **about formal complaints made under part 8 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.

Part Five. Contact Details

We need the names and addresses of all those involved 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 situated. 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. We need this information because we will have to get in touch with this person 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 address of 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 (SIM) can be obtained on their website (www.landregistry.gov.uk) (together with PG10 which explains the process) or can be obtained from the Local Land Registry Office at Durham. The current fee for this service is £4.00 if you know the full postal address of the property and are using paper copies.

Alternatively, copies of title plans and registers held in electronic format can be downloaded in PDF format for £3.00 each. The register includes ownership details.

Part Six. Supporting documents

Please ensure 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 2017 - surveyor's report). This will help us to check that we have got everything.

Part Seven. Sending the complaint

Please sign and date your complaint form.

There is a fee of £150, chargeable when you make your complaint. You should make your cheque payable to Hartlepool Borough Council.

Please enclose your completed complaint form, your fee, and copies of all supporting documents and send to the address given on the form.

High Hedges Complaint Form

Planning Services
Dept. of Regeneration and Neighbourhoods
Civic Centre, Victoria Road,
Hartlepool. TS24 8AY
Tel: 01429 523272
Fax: 01429 523599
E-mail: DevelopmentControl@hartlepool.gov.uk



This form should be used to submit a complaint to the Council about a high hedge, under Part 8 of the Anti-social Behaviour Act 2003, and should be completed by the person making the complaint or their representative.

Before completing this form, please read the guidance notes provided, and the leaflet *'High hedges: complaining to the council'*.

Please use BLOCK CAPITALS and black ink.

YOU MUST PAY A FEE WHEN YOU SEND THIS FORM. THE CURRENT FEE IS £150

The Council will rely upon the information that you provide, please ensure that it is clear and accurate.

Part One. 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.

Asked to discuss the problem with the hedge owner.

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Asked the hedge owner to try mediation.

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Informed the hedge owner of your intention to complain to the Council.

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Any other attempts to resolve the issue.

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

Part Two. Criteria for making a complaint.

a) Information about the hedge.

- | | Yes | No |
|---|--------------------------|--------------------------|
| 2.1. <i>Is the hedge – or the portion that is causing problems – made up of a line of two or more trees or shrubs?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.2. <i>Is the hedge mostly evergreen or semi-evergreen?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.3. <i>Is the hedge more than two metres in height above ground level?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.4. <i>Even though there may be gaps in the foliage, or between the trees, is the hedge still capable of obstructing light or views?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.5. <i>Is the hedge situated on land not owned by yourself?</i> | <input type="checkbox"/> | <input type="checkbox"/> |

b) Who may make a complaint.

- | | Yes | No |
|---|--|--------------------------|
| 2.6. <i>Is the complainant the owner or occupier (e.g. tenant) of the property affected by the hedge?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Owner/Occupier
<i>(Please delete as appropriate)</i> | |
| 2.7. <i>Is the property residential?</i> | <input type="checkbox"/> | <input type="checkbox"/> |

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

Part Three. Grounds of complaint.

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

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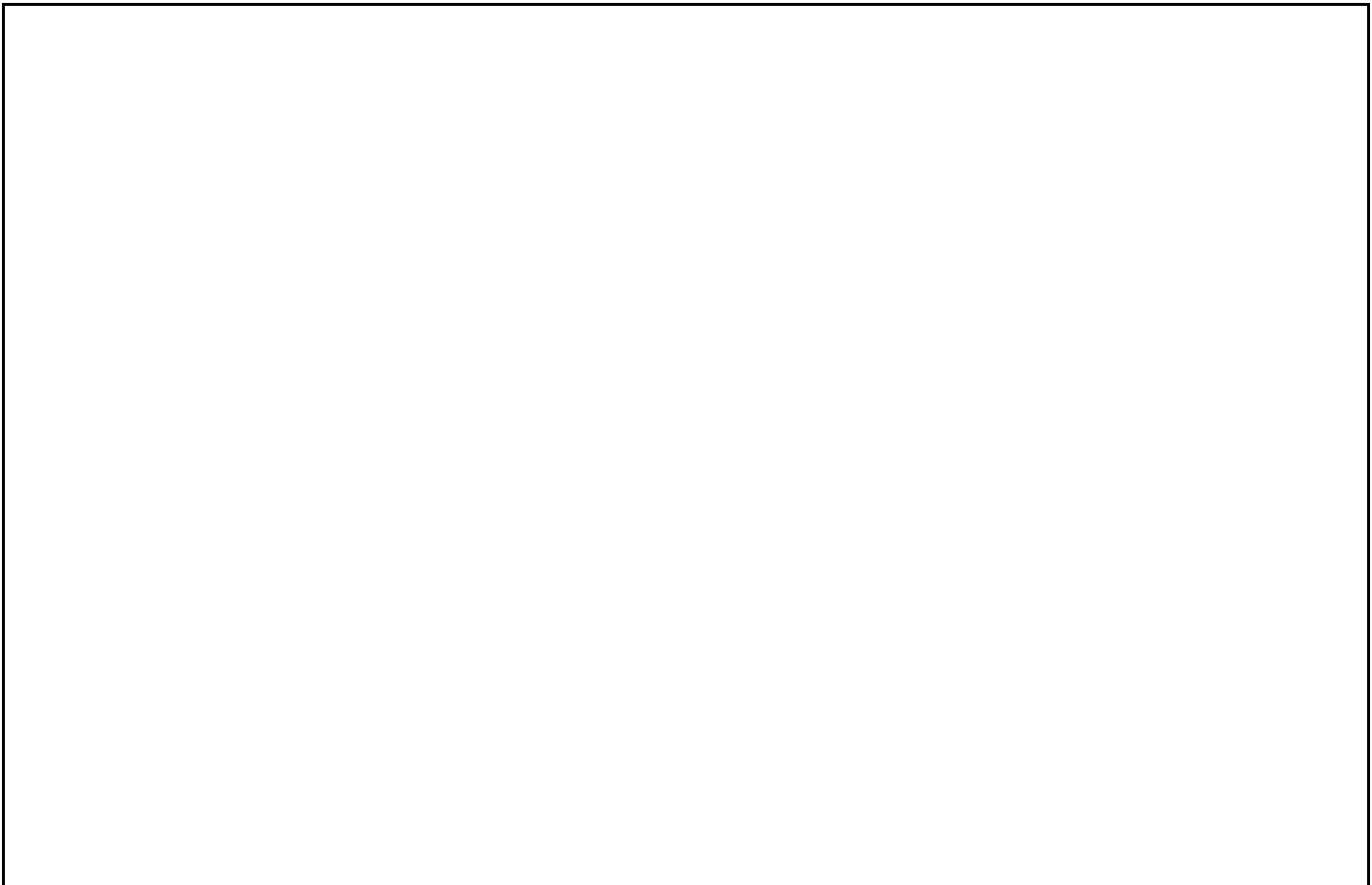
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- b) To help the Council understand your situation, please provide a photograph of the hedge and a plan or sketch of the site where the hedge is situated and the property that it is affecting, with the hedge clearly marked on it.



Part Four. Previous complaints to the Council.

<p>4.1. Have there been any previous formal complaints to the Council about this hedge?</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>
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<p>If you have answered 'Yes' to the previous question, please provide the date and reference number of the Council's decision letter if known.</p>	<p>Date</p> <input type="text"/> <p>Reference Number</p> <input type="text"/>
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What has changed since the Council last looked at this?

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Note: If nothing has changed since a previous complaint, then the Council might not proceed with any subsequent complaints.

Part Five. Contact Details.

5.1. Complainant's Details.

Name:

Address:

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Tel. No.: Mob. No.:

E-mail address:

5.2. Address of the property affected by the hedge, and the name of the person living there, if different from above.

Name:

Address:

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Tel. No.: Mob. No.:

E-mail address:

5.3. Contact details of Agent or other person acting on behalf of the complainant. (if any)

Name:

Address:

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Tel. No.: Mob. No.:

E-mail address:

5.4. Address of the site where the hedge is situated and the name of the person living there, if known.

Name:

Address:

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Tel. No.: Mob. No.:

E-mail address:

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

Name:

Address:

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Tel. No.: Mob. No.:

E-mail address:

Part Six. Supporting documents.

Have you enclosed the following:	Tick Box
A photograph of the hedge.	<input type="checkbox"/>
A location plan showing the hedge and surrounding properties.	<input type="checkbox"/>
Copies of all correspondence with your neighbour about the hedge.	<input type="checkbox"/>
Copies of any other documents that you have mentioned. (Please list separately)	<input type="checkbox"/>
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Part Seven. Sending the complaint.

Please sign and date your completed complaint form, enclose your fee and copies of all supporting documents and send to:

Planning Services
Department of Regeneration and Neighbourhoods
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 266522

E-mail: DevelopmentControl@hartlepool.gov.uk

Note: You must also send a copy of this form to the persons named in Part Five, sections 4 and 5.

Signed:

Name (Print):

Date: