

## COMPLAINT ABOUT A HIGH HEDGE

I attach our complaints form together with some guidance notes to help you complete it. Before filling it in, I recommend that you read the attached leaflet *High hedges: complaining to the Council*. It explains what complaints we can consider and how we will deal with them.

The leaflet also sets out what we expect you to have done to try to settle your hedge dispute. If you have not exhausted all the avenues mentioned, you should consider giving them a try. If you don't, you will need to explain why not. Otherwise, we might not proceed with your complaint.

The complaint form constitutes your statement of case as to why you consider the hedge is adversely affecting the reasonable enjoyment of your domestic property. It will be an important document in the Council's consideration of the complaint, as well as in any subsequent appeal against our decision. In setting out your grounds of complaint, therefore, you should describe fully the problems caused by the hedge, their severity and the impact on you. Please also send us any supporting information that you want us to take into account.

Please return the completed form to me at the following address.

Planning Enforcement  
BCKLWN  
King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX

You must also send a copy to the owner and occupier of the land where the hedge is situated. These are the people listed in sections 5.4 and 5.5 of the form.

When we receive your formal complaint, we will run some checks to make sure that it meets the requirements set out in Part 8 of the Anti-social Behaviour Act 2003 and that we can, therefore, deal with it.

If we cannot proceed with the complaint, we will tell you why not. Otherwise, we will acknowledge that we have received it and explain what happens next.

## Complaint form: High Hedges

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

Before completing this form, please read the guidance notes sent with it 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. Cheques should be made payable to Borough Council of King's Lynn and West Norfolk (BCKLWN) or you can pay using a debit or credit card by phoning the following number 01553 616234.

The Council will rely on the information you provide so please make sure it is clear and accurate.

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### 1. 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.

1.1 Approached neighbour/hedge owner and asked to discuss problem

1.2 Asked neighbour/hedge owner to try mediation

1.3 Informed neighbour/hedge owner of intention to complain to Council

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

1.4 Anything else

## 2. Criteria for making a complaint

About the hedge

2.1 Is the hedge - or the portion that is causing problems - made up of a line of 2 or more trees or shrubs?

Yes

No

2.2 Is it mostly evergreen or semi-evergreen?

Yes

No

2.3 Is it more than 2 metres above ground level?

Yes

No

2.4 Even though there are gaps in the foliage or between the trees, is the hedge still capable of obstructing light or views?

Yes

No

2.5 Is it growing on land owned by someone else?

Yes

No

Who can complain?

2.6 Is the complainant the owner or occupier (e.g. tenant) of the property affected by the hedge?

Yes

No

Please delete whichever does not apply.

Owner / Occupier

2.7 Is the property residential?

Yes

No

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.

### 3. Grounds of complaint

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 you are making.

**To help the Council understand your situation, please provide a photo of the hedge and a plan or sketch of both the site where the hedge is growing and the property it is affecting, with the hedge clearly marked on it.**

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### 4. Previous complaints to the Council

4.1 Has a formal complaint been made to the Council before about this hedge?

Yes

No

4.2 If you have ticked 'Yes', do you know the date and/or reference number of the Council's decision letter?

Date

Ref number

4.3

What has changed since the Council last looked at this?

If nothing has altered, the Council might not proceed with your complaint.

## 5. Who's who/The parties

### 5.1 Complainant's contact details

	Title	Forename	Surname
Name	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>		
	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>		
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email Address	<input type="text"/>		

Is the complainant content for us to contact them by email, at the address provided?

Yes

No

**5.2 Address of the property affected by the hedge and name of the person living there, if different to 5.1**

	Title	Forename	Surname
Name	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>		
	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>		
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email Address	<input type="text"/>		

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

	Title	Forename	Surname
Name	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>		
	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>		
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email Address	<input type="text"/>		

Is the Agent, or other person named above, content for us to contact them by email at the address provided?

Yes  No

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

	Title	Forename	Surname
Name	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address or description location	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>		
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email Address	<input type="text"/>		

**5.5 Name and address of the person who owns the property where the hedge is situated, if different to 5.4 and if known**

	Title	Forename	Surname
Name	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>		
	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>		
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email Address	<input type="text"/>		

## 6. Supporting documents

6.1 Have you enclosed the following:

	<b>Tick Box</b>
A photo of the hedge	<input type="checkbox"/>
A location plan of the hedge and surrounding properties	<input type="checkbox"/>
Copies of correspondence with your neighbour about the hedge	<input type="checkbox"/>
Copies of any other documents that you mention <i>(please list these separately)</i>	<input type="checkbox"/>

## 7. Sending the complaint

7.1 I confirm that I have completed as much of this form as I can and that, to the best of my knowledge, the information provided is accurate.

Tick Box

7.2 I enclose the fee of £150

Tick box

Name

Date

7.3 POST OR E-MAIL THIS FORM AND ALL ENCLOSURES TO:

Planning Enforcement  
BCKLWN  
King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX

[borough.planning@west-norfolk.gov.uk](mailto:borough.planning@west-norfolk.gov.uk).

7.4 Please also send a copy of this form to the people identified in Section 5 above.

Tick the box to show you have done this.

# 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 Planning Enforcement on 01553 616770 or [borough.planning@west-norfolk.gov.uk](mailto:borough.planning@west-norfolk.gov.uk).

## Section 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 neighbours Mr Bloggs would be complaining to council.

### Example 2

- 12 March 2005 - wrote to neighbours Mr Bloggs of 12 High Street to ask if we could discuss hedge. 2 weeks later still no reply;
- 9 April - wrote to ask if he would speak to mediator. 2 weeks later still no reply;
- 7 May - wrote to inform neighbours Mr Bloggs would be complaining to council.

### Example 3

- 12 March 2005 - saw neighbours Mr Bloggs of 12 High Street in their garden and asked if we could discuss hedge. Neighbours Mr Bloggs came round date saw the effect of the hedge for themselves. Sympathetic but unwilling to reduce the hedge as much as we wanted;
- Neighbours Mr Bloggs 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 Mr Bloggs 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.

### Section 2: 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 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 separate living accommodation otherwise we cannot consider the complaint.

### Section 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 property where the hedge is growing, and to the person who lives there if they are different people.

Concentrate on the hedge and the disadvantages you 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 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 are complaining about the hedge blocking light, please also show on your plan:

- Which way is north.
- The position of windows that are affected by the hedge (e.g. whether they are located on the front, side or rear of the house).
- Relevant measurements (e.g. size of garden, distance between the hedge and any windows affected).

All measurements must be in metres (m).

Please include copies of any professional reports that you may have had prepared and of another documents that you want the Council to take into account.

#### **Section 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.

#### **Text Section 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 your 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.

## **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.

You will be our main contact on all matters relating to this complaint. We will direct all queries and correspondence to you. Please bear this in mind.

If you tick the 'Yes' box, we will conduct all business relating to this complaint by e-mail. But we cannot send documents to you electronically unless you agree.

## **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 Tower 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](http://www.landregistry.gov.uk)) or can be obtained from the Local Office. The current fee for this service is £4, if you know the full postal address of the property.

Alternatively, Land Register Online (at [www.landregisteronline.gov.uk](http://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.

## **Section 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, Joe Bloggs, 12 High Street*) so that we can match them up with your complaint.

## **Section 7: Sending the complaint**

If you have to pay a fee, you should make out your cheque to:

Borough Council of King's Lynn and West Norfolk (BCKLWN) or you can pay using a debit or credit card by telephoning 01553 616234.