

High Hedges

– Quick Questions & Answers

Following the introduction of Part 8 of the Anti-Social Behaviour Act 2003, the District Council may in certain circumstances issue a Notice compelling the hedge owner to reduce the height of their hedge. These few questions and answers should help to advise you if and when the District Council can take action.

This leaflet is a brief explanation of the legislation and how the council will apply it. You should refer to the Act itself or the Government's leaflets for a full explanation of the law (copies of the leaflets are available online at www.odpm.gov.uk or via the District Council).

What is the maximum height my neighbour can have their hedge?

There is no maximum height.

What hedges does the new law cover?

The hedge must be evergreen or mostly evergreen (please note that plants such as ivy and bamboo are excluded from this legislation), growing on somebody else's land, must be made up of at least two trees or shrubs and must be a barrier to light or access. Only a homeowner can submit a complaint – hedges affecting factories or offices are not covered by the legislation.

What about the effect of the hedges roots and fallen leaves?

The effect of roots and fallen leaves is excluded from this legislation.

The hedge makes me depressed, is that a reason for the Council to act?

No, health factors cannot be taken into account. The council must consider the effect the hedge has on the 'ordinary' person rather than the specific applicant.

What must I do?

You should first discuss the matter with the hedge owner. The Government suggests

that you keep records of your discussions or try mediation.

Can the Council just write to ask the owner to cut his hedge or mediate between us?

Until a formal complaint has been received the matter is a private dispute. The Council cannot mediate in private disputes.

Who will mediate for me?

You may wish to contact Citizens Advice, a local or parish councillor or the Cambridge And District Community Mediation service (01223 302514).

How do I complain to the Council?

Complaint application forms and explanation booklets can be obtained from the Council offices, or through the Council's planning customer support officers. The forms will shortly be available on the Council's website. You will need to complete the forms and pay a fee.

How much is the fee? Will I get a refund?

The fee is £350. There are no reduced fees for pensioners or people on low income. Refunds may be made if the application is not valid.

Who deals with the application?

The Council's planning enforcement officers will deal with the application, with advice and assistance from qualified planning and arboriculture (tree) officers, and a decision on the application will be made.

Will the Council always listen to my complaint and take action?

The Council will look at the matter (and the hedge) from all sides – from your perspective, from the hedge owners and from the general public amenity, and will then make its decision based on all these factors.

What might the Council decide?

The Council may order the hedge owner to reduce the height to a specified height (and to not allow it to grow higher than a certain height), or the Council might decide that there are no grounds to take action. The Council cannot require a hedge to be removed or cut lower than 2 metres in height.

What happens if the Council issues a Notice?

The hedge owner will be given a specified time to carry out the required works. If the Notice is not complied with the hedge owner

could be prosecuted in the Magistrates Court.

Will the Council cut down the hedge?

No, the Council will not cut down any privately owned hedges, and will not provide help to hedge owners.

Can I appeal the Council's decision?

Both you and the hedge owner can appeal the Council's decision. For example you may feel that the Council's notice does not go far enough, or the hedge owner may feel that the Notice is unnecessary.

Who deals with appeals?

The Planning Inspectorate deals with appeals against the Notice.

What other ways can I complain about the Council's decision or actions?

If you think we have not handled your complaint properly you can submit a formal complaint to the Council or to the Local Government Ombudsman.

How does this affect other laws?

Other laws or legislation (such as laws of nuisance or common law rights that might allow a person to cut down overhanging branches) are not affected. You should seek

independent legal advice if you think that other laws or rights are applicable.

Who else can help?

You might wish to discuss the matter with 'Hedgeline' (an independent community association) on 0870 2400627 or at (www.hedgeline.org) or your local Citizens Advice Bureau.

What are the relevant Council addresses?

*East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambs. CB7 4PL*

Planning support officers 01353 616202 or 616241

Email address for planning and associated services is plservices@eastcambs.gov.uk

The Council's website is at www.eastcambs.gov.uk