

# YOUR PLANNING SERVICE

## Trees FAQ- Living with Trees



EAST CAMBRIDGESHIRE  
DISTRICT COUNCIL

Trees and hedgerows are one of the most common causes of neighbour disputes. A tree that is one person's pride and joy can sometimes become a source of worry and frustration for others.

## What laws affect trees?

Trees can be affected by a number of legislative frameworks, but the most common are as follows:

**Statute Law** - governed by Acts of Parliament such as the Town and Country Planning Act 1990 which allows Local Planning Authorities to protect trees of important amenity value.

**Common Law** - where a tree is not located in a conservation area or subject to a TPO, common law rights apply in respect to overhanging branches.

**Occupiers Liability Acts 1957 & 1985** - these place a 'duty of care' on the occupier of the land to ensure that a tree does not cause a nuisance to neighbouring properties.

## So... my neighbour's tree overhangs my property, what can I do?

If the tree is not protected, you are entitled to prune back any overhanging branches to your vertical boundary and by law should offer to return the prunings to the tree owner.

The Council strongly advises you to contact or talk to the tree owner before pruning the tree, as they may wish to make alternative arrangements with you.

If a tree is protected by a Tree Preservation Order or is within a Conservation Area then you must apply to the Council for permission to prune the tree. You can apply online via the Planning Portal or download the forms and guidance notes from the Application Forms page of this website.

## **Apply via the Planning Portal** **So... my neighbour's tree is too high, what can I do?**

If you own a fast growing hedge, it would be considered neighbourly to maintain it at a reasonable height so that it does not cause distress to occupiers of adjoining properties.

If you are concerned about the height of your neighbour's hedge, you can speak to the Planning Enforcement team for further advice. If you believe that the hedge meets the requirements of a High Hedge under Part 8 of the Anti-Social Behaviour Act, please see the High Hedges section of this website.



## Tree related subsidence/damage

If you suspect a tree or trees is causing structural damage or subsidence to your property, you should seek independent professional guidance from a structural engineer and/or a qualified tree specialist. You may also want to contact



your insurance company. It is essential that a thorough investigation is carried out to establish the cause of the damage or subsidence before any application is made to remove any trees.

## The effect of trees on television reception

Trees can have a significant effect on television reception. Where established trees cause a problem the choice and siting of aerials may provide an acceptable solution. When planting new trees, the problem can be avoided by careful species selection and siting.

Reception from satellites depends on a clear line-of-sight. Evergreen trees have a greater effect on television signals than deciduous trees. During wet weather, when leaves are covered in moisture, all trees can have an appreciable effect on signals. When they sway in the wind, the screening effect varies, leading to fluctuations in

## Helping with existing problems.

- Mount aerials above the tops of trees.
- The directivity of the aerial is important.
- The siting of a dish to receive signals should make allowances for the movement of any nearby trees.
- In some cases pruning of trees can help, but common law precedents and statutory tree protection should be checked and observed.
- Professionals installing digital television receiving equipment or aerials should use specialist instruments to measure that the signal is above the minimum required to get pictures.

TV reception and the Law. There is no legal right to television reception. There are no court precedents in respect of trees interfering with TV reception.

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