

## High hedges: complaining to the Council

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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.

### PLEASE CHECK FOR CURRENT FEE FOR PROCESSING PRIOR TO SUBMISSION

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

### 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 Asked to discuss problem

1.2 Asked the hedge owner to try mediation

1.3 Informed them 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 (eg tenant) of the property affected by the hedge? Yes  No
- Please indicate with a tick which applies. 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.

#### 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 Please tick  as appropriate

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname

First names

Address

County

Postcode

Daytime Telephone No.

Mobile Telephone No.

Fax No.

Email Address

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

Please tick  as appropriate

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname  First names

Address

County  Postcode

Daytime Telephone No.

Mobile Telephone No.

Fax No.

Email Address

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

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname  First names

Address

County  Postcode

Daytime Telephone No.

Mobile Telephone No.

Fax No.

Email Address

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

Please tick  as appropriate

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname  First names

Address

County  Postcode

Daytime Telephone No.

Mobile Telephone No.

Fax No.

Email Address

**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

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname  First names

Address

County  Postcode

Daytime Telephone No.

Mobile Telephone No.

Fax No.

Email Address

## 6. Supporting documents

- 6.1 Have you enclosed the following: Please tick ✓ as appropriate
- A photo of the hedge
  - A location plan of the hedge and surrounding properties
  - Copies of correspondence with your neighbour about the hedge
  - Copies of any other documents that you mention (please list these separately)

## 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 confirm I have paid or will pay the required fee via bacs or online on the councils website Tick box

Name

Date

- 7.3 POST OR EMAIL THIS FORM AND ALL ENCLOSURES TO:

Planning Services  
City Hall  
Beaumont Fee  
Lincoln, LN1 1DD  
Tel: 01522 873484  
developmentteam@lincoln.gov.uk

- 7.4 Please also send a copy of this form to the people identified in Sections 5.4 and 5.5

Tick the box to show you have done this

Tick box

You can also download this complaint form from our website at [www.lincoln.gov.uk](http://www.lincoln.gov.uk)

## 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 ODPM (Office of the Deputy Prime Minister) 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 the **Planning Team** on 01522 873484 [developmentteam@lincoln.gov.uk](mailto:developmentteam@lincoln.gov.uk)

You can obtain translations and large print versions of this guidance and the form through the council.

### 1. Attempts to resolve the complaint

Please keep the descriptions brief but say how you made the approach (eg face to face, phone, letter) and what the result was.

#### Example 1

- 12 March 2019 - 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 2019 - wrote to neighbour 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 neighbour we would be complaining to the council.

### Example 3

- 12 March 2019 - 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;
- neighbours 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 neighbour again and told them that, if we couldn't 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 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.

## 2. Criteria for making a complaint

### Who can complain

- 2.6 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 (eg because you are a tenant or a leaseholder), you can still make a complaint. But you should let the owner (eg landlord or management company) know what you are doing.

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

## 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 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.

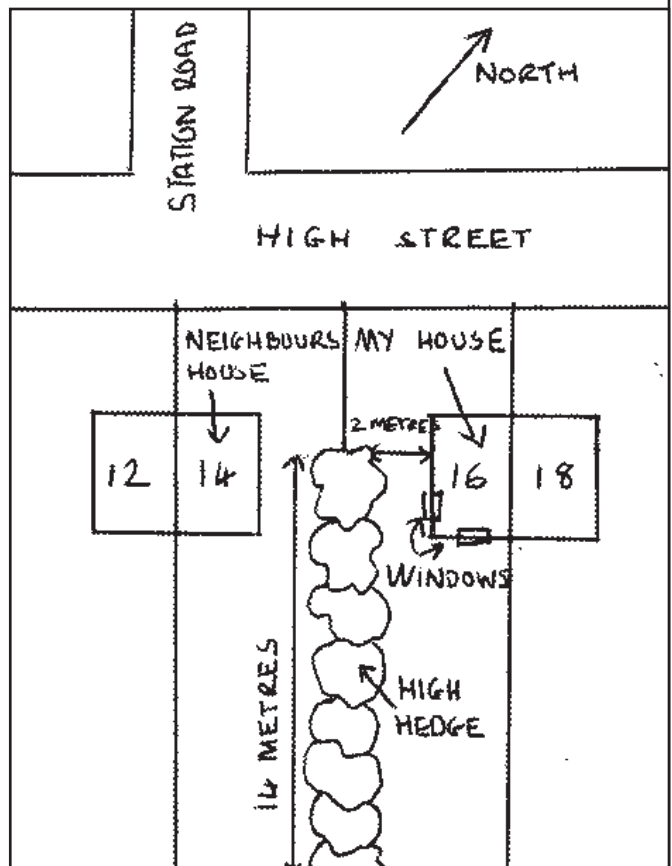
We cannot consider problems that are not connected with the height of the hedge. For example, if the roots of the hedge are pushing up a path.

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.



- Mark which way north is.

Please include copies of any professional reports that you may have had prepared. If you are complaining about the hedge blocking light, please mark which way is north on your plan (see note on section 4 above) and provide relevant measurements (eg size of garden, distance between the hedge and any windows affected). All measurements must be in metres (m).

#### 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.

#### 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.

**5.1** Even if someone else is submitting the complaint on your behalf, it is important that we have the complainant's 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.

**5.2** 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.

**5.3** 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.

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.

**5.4** 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, eg '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.

**5.5** If you are in any doubt about who owns the property where the hedge is situated, you can check with the Land Registry.

#### 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 (eg January 2019 - 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 (eg hedge complaint, 12 High Street) so that we can match them up with your complaint.

#### For council use only

Date received .....Application no.: .....