



Office of the  
Deputy Prime Minister

Creating sustainable communities

## *High hedges: complaining to the Council*

The right hedge can be an ideal garden boundary but the wrong hedge may bring problems. This leaflet explains what will happen if the Council get involved – using their powers in Part 8 of the Anti-social Behaviour Act 2003. It is a simple guide and not a statement of the law.







## *Common questions*

### **Can I Complain**

#### ***1. Can we go straight to the Council with our hedge problem?***

No. Involving the Council should be a last resort if you really can't agree a solution. The Council can refuse to intervene if they think you haven't done everything you reasonably could to settle your dispute.

#### ***2. What will the Council expect us to have done to sort this out between ourselves?***

This will depend on how well you get on with your neighbours. But, before you contact the Council, you should have tried the following:

- Have a quiet word with your neighbour about your concerns.
- Follow this up by sitting down with them so that you can get a better understanding of each other's concerns and try to figure out the answer.
- If this doesn't work, invite them to talk to independent mediators who can help you find a way forward.

If your neighbour won't talk to you or you are nervous about speaking to them, send a polite letter. It won't be enough to say your neighbour is not approachable. Further information on settling your hedge differences is in the separate leaflet 'Over the garden hedge'.

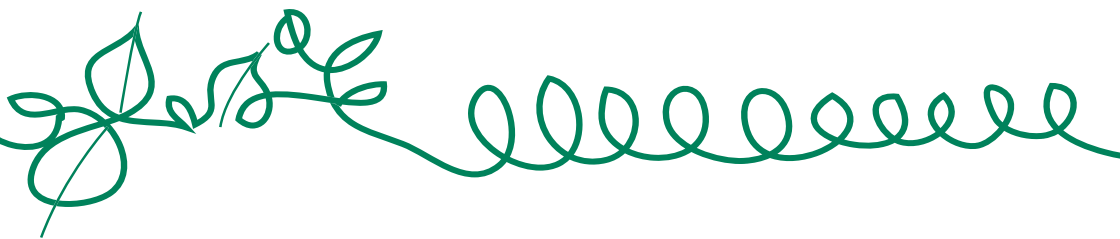
Keep a record of what you've done – eg. copies of letters or a diary.

If nothing works, you should let your neighbours know that you will be making a formal complaint to the Council.

#### ***3. My hedge dispute has been running for years. Am I expected to go through all this again?***

The Council will expect evidence of a recent attempt to settle your dispute with your neighbour. If you rely on an approach you made more than, say, 4 months ago, they could ask you to try again.

You never know, your neighbour could have had a change of heart. They might not welcome the Council getting involved and could be ready to compromise.



#### **4. What sorts of complaint can the Council look at?**

If you've been through all the steps set out above **AND** can answer 'yes' to **ALL** the points listed below, the Council should be able to look at your complaint:

##### *About the hedge*

- Is it growing on land owned by someone else?
- Is the hedge – or the portion that is causing problems – made up of a line of 2 or more trees or shrubs?
- Is it mostly evergreen or semi-evergreen?
- Is it more than 2 metres tall?
- Even though there might be gaps in the foliage or between the trees or shrubs, is the hedge still capable of obstructing light or views?

##### *Who can complain*

- Are you the owner or occupier (eg. tenant) of the property affected by the hedge?
- Is the property residential?

##### *Grounds of complaint*

- Does the hedge detract from the reasonable enjoyment of your home or garden because it is too tall?

#### **5. The hedge has got some gaps in it that allow light through. Does this mean that I can't complain to the Council about it?**

Not necessarily. It depends on the extent of the gaps.

This may not be easy to judge. There are no rules that say if the trees or shrubs are more than a set distance apart, then you can't complain. But, where individual trees or shrubs are so widely spaced that you can see what lies behind them, then it might not meet the criteria for making a complaint.























## *Further information*

***'Anti-social Behaviour Act 2003: Part 8'*** – the law governing complaints about high hedges.

***'High hedges complaints: prevention and cure'*** – a detailed guide on administering high hedge complaints.

***'High hedges: appealing against the Council's decision'*** – a leaflet explaining how to appeal if you disagree with the Council's decision on a hedge complaint.

***'Over the garden hedge'*** – a leaflet on how to settle your hedge differences without involving the Council.

***'The right hedge for you'*** – a leaflet to help you choose the most suitable hedge for you and your garden.

***'Hedge height and light loss'*** – a booklet to help you assess whether an evergreen hedge is blocking too much daylight and sunlight to neighbouring properties. A printed copy costs £6.50.

***'Protected Trees: A Guide to Tree Preservation Procedures'*** – a leaflet answering some of the most common questions about tree preservation procedures.

Text of the Act is available on [www.hms0.gov.uk/acts](http://www.hms0.gov.uk/acts). All the other documents are available at [www.odpm.gov.uk/treesandhedges](http://www.odpm.gov.uk/treesandhedges) or from ODPM Publications (tel: 0870 1226 236)



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