

HIGH HEDGES: Complaint Form

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 at the end of this form. Please use **BLOCK CAPITALS** and black ink.

YOU MUST PAY A FEE WHEN YOU SEND IN THIS FORM.

No application fee is payable for those on one or more means tested benefits, which for this purpose are defined as follows:

- Council Tax benefit
- Income based Job Seeker's Allowance
- Housing benefit
- Income Support or guarantee credit

or any means tested benefit which replaces any of these.

Refunds:

- 75% of fee paid to be refunded if the complaint is withdrawn before any letters have been sent by the Council.
- 25% of fee to be refunded if the complaint is withdrawn within 28 days of despatch of initial letters by the Council.
- 10% of fee to be refunded if the complaint is withdrawn at any time after 28 days from despatch of initial letters and before any decision letter is sent.
- No refunds are offered after the decision letter has been sent.

The Council will rely on the information you provide so please make sure it is clear and accurate. Please be aware that the application will be sent to the owner/occupier of the property.

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

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1.2 Asked neighbour/hedge owner to try mediation

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

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

1.4 Anything else

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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 delete whichever does not apply

Owner/Occupier

Is the property residential

Yes No

If you 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. Please be aware the application form will be sent to the owner/occupier of the property.

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Grounds of complaint (continued)

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To help the Council understand your situation, please provide photographs 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. No.

4.3 What has changed since the Council last looked at this?

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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:
Address		
City/Town		
County	Post Code	.....
Daytime Tel. No.	Mobile Tel 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

	Title	Forename	Surname
Name:
Address		
City/Town		
County	Post Code	.....
Daytime Tel. No.	Mobile Tel No.:	.....
		Email Address:	.....

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

	Title	Forename	Surname
Name:
Address		
City/Town		
County	Post Code	.....
Daytime Tel. No.	Mobile Tel No.:	.....
		Email Address:	.....

Is the Agent 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:
Address		
City/Town		
County	Post Code	.....
Daytime Tel. No.	Mobile Tel 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

	Title	Forename	Surname
Name:
Address		
City/Town		
County	Post Code	.....
Daytime Tel. No.	Mobile Tel No.:	.....
		Email Address:	.....

6. Supporting documents

6.1 Have you enclosed the following (*please tick box*)

Photographs 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 (please list separately)	<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.

7.2 I enclose the fee

I claim exemption from paying a fee

Are you prepared to authorise the Director of Finance to use information the Council holds to verify your claim Yes No

If No, please attach documentary evidence that you receive one or more of the benefits specified on Page 1.

Name Date:

7.3 Post this form and all enclosures to:

PO Box 787, Harrogate HG1 9RW RUemail dmst.har@northyorks.gov.uk

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

Tick the box to show you have done this

HIGH HEDGES: GUIDANCE NOTES ON 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 Enquiries on 03001 312131.

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 2005 – 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 2005 – wrote to ask if we could discuss hedge. 2 weeks later still no reply.
- 9 April – wrote to ask if would speak to mediator. 2 weeks later still no reply.
- 7 May – wrote to inform neighbour would be complaining to Council.

Example 3

- 12 March 2005 – 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 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

Q2.6 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.

Q2.7 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 property where the hedge is growing, and to the person living 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 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 (eg whether they are located on the front, side or rear of the house).
- Relevant measurements (eg 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 any other documents that you want the Council to take into account.

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.

Q5.1 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.

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 this person 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, 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.

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 (landregistry.gov.uk) or can be obtained from the Local Office.

Alternatively, Land Register Online at 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 a fee. The register includes ownership details.

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 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 (eg. hedge complaint, Joe Bloggs, 12 High Street, Anytown) so that we can match them up with your complaint.

7. Sending the complaint

You should make out your cheque to North Yorkshire Council or pay online. Please make a note of the receipt number and transaction date on the form.

Data Protection

Your details will be held securely and in accordance with the rules on data protection. We will treat your personal details as private and confidential, and safeguard them. We will not disclose these details to anyone unconnected with the council unless you have consented to their release, or when:

- we are legally obliged to do so;
- disclosure is necessary for the proper discharge of our statutory functions;
- disclosure is necessary to enable us to provide you with a requested service, or deal with your enquiry;
- we are under a duty to protect public funds.

We may use the information you have provided for the prevention and detection of fraud. We may also share this information with other bodies responsible for public funds or for auditing them for these purposes. For more information on privacy and how we use your data please take a look at our privacy notice at www.harrogate.gov.uk/privacy