

Enquiries to: The Trees Team: **01484** 414 909

Kirklees Resident
Kirklees

Date:

Dear Kirklees Resident,

RE: HIGH HEDGES

Thank you for your request to make a formal complaint about your neighbour's hedge, under Part 8 of the Anti-social Behaviour Act 2003.

I enclose our complaints form together with some guidance notes to help you complete it. You should also use the checklist provided to decide whether your complaint is valid. Before filling the form in, I recommend that you read the leaflet '*High hedges: complaining to the Council*' that you can download from our website.

The leaflet sets out what we expect you to have done to try to settle your hedge dispute. If you have not exhausted all the avenues mentioned, you should consider giving them a try. If you don't, you will need to explain why not. Otherwise, we might not proceed with your complaint.

The complaint form constitutes your statement of case as to why you consider the hedge is adversely affecting the reasonable enjoyment of your domestic property. It will be an important document in the Council's consideration of the complaint, as well as in any subsequent appeal against our decision. Therefore, in setting out your grounds of complaint you should describe fully the problems caused by the hedge, their severity and the impact on you. Please also send us any supporting information that you want us to take into account.

Please return the completed form to me at the above address. You must also send a copy to the owner and/or occupier of the property where the hedge is situated. (These are the people listed in section 1.4 and 1.5 of the complaint form).

Along with your complaint form you will also be required to submit a fee for making a complaint, this fee covers the cost of processing, investigating and deciding the initial complaint as well as dealing with any subsequent enforcement.

When we receive your completed form, we will run some checks to make sure that it meets the requirements set out in Part 8 of the Anti-social Behaviour Act 2003 to confirm that we can deal with the complaint.

If we cannot proceed with the complaint, we will tell you why not. Otherwise, we will acknowledge that we have received it and explain what happens next.

Yours sincerely,

The Trees Team

Checklist for Valid Complaints

Please read through the following checklist to ensure you have a valid complaint. If your complaint is not valid the Council will not consider it.

- 1.The hedge (or portion of hedge) that is causing problems must be made up of a line of 2 or more trees or shrubs.**
- 2.The hedge must be mostly evergreen or semi-evergreen.**
- 3.The hedge must be at a height that is more than 2 metres above ground level.**
- 4.Even though there may be gaps in the foliage and in between trees the hedge must still be capable of obstructing light.**
- 5.The hedge must be on land owned by someone other than the person making a complaint.**
- 6.The person making the complaint must be the owner or occupier of the property affected by the hedge.**
- 7.The property affected by the hedge must be residential.**
- 8.Evidence of negotiation must be provided.**
- 9.The complaint must not be frivolous or vexatious.**

Failure to meet these requirements will mean your complaint can not be considered by the Council.

Guidance Notes for Filling out Complaint Form

These guidance notes are to help you fill in the complaint form about the high hedge. You should also read the check list sent with the form to decide whether you have a valid complaint. It is very helpful to refer back to the leaflets “*Over the garden hedge*” and “*High hedges: complaining to the Council.*” These were sent to you when you first contacted the Council about the problem.

It is important to read these guidance notes carefully to help you fill in the form and to ensure you send the right documents with your complaint. This will make sure your complaint is dealt with quickly and efficiently. If you have any problems answering the questions on the form please contact the Trees Team on 01484 414909 or email trees.planning@kirklees.gov.uk

If you use any additional sheets when filling in the sections on the form, please head each sheet with the relevant section number so we can easily see where each addition has been made. You should also put your name and the date on any additional sheets used.

Please note that invalid complaints are complaints that do not meet the requirements set out in the legislation. You should use the checklist enclosed to ensure you have a valid complaint. Vexatious or frivolous complaints are complaints that are made in bad faith, with the sole purpose of harassing a person. Vexatious or frivolous complaints will not be considered by the Council.

YES/NO Boxes

This initial section is to help you decide if you have a valid complaint. The Government have set requirements to establish if a complaint is valid or not. If you answer ‘NO’ to any of the 7 questions then your complaint will not be valid and therefore will not be considered by the Council. If this happens you can contact the Council and they will explain to you why your complaint can not be considered. You do not need to fill in the rest of the form if your complaint is not valid and the form does not need to be returned to the Council.

SECTION 1: THE PEOPLE INVOLVED

1.1 The person making the formal complaint must be the owner or occupier of the property affected by the hedge. This person will be the main contact on all matters relating to the complaint unless otherwise stated on the form and an alternative contact is provided in box 1.2. Even if an alternative contact is given it is important we have the details of the person making the complaint.

Put a ‘YES’ in the relevant box if you would prefer to be contacted by email as we cannot send documents to you this way unless you agree.

1.2 If you are filling out this form on behalf of someone else and you are happy to be the main contact about the complaint please fill in this box. If you are the person making the complaint this box can be left blank.

Put a ‘YES’ in the relevant box if you would prefer to be contacted by email as we cannot send documents to you this way unless you agree.

1.3 This box is to be filled in if the name and address of the person making the complaint is different to that of the property affected by the hedge. For example the landlord may be making the complaint but it would be the tenants name and address that would be the person(s) and property affected by the hedge. Leave this box blank otherwise.

1.4 It would be very helpful to us if you know the address of the property where the hedge is growing. If you know the name of the person living there this would also be helpful. It may be that the hedge is part of a business or even on Council land. If you know this is the case please let us know. You should have tried to contact this person/business when trying to resolve the situation so you should have some contact details. If the site where the hedge is growing does not appear to have a postal address describe as clearly as possible where it is e.g. *'Land to the rear of 12 to 18 High Street'* or *'Park adjoining Tower 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.

1.5 The property where the hedge is growing could be rented or leased and therefore the person living or working at the property may not own the hedge. If this is the case, and you know who does own the hedge, please put their details in here as they will need to be contacted about the complaint. If the person is the same person named in box 1.4 there is no need to fill in box 1.5.

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 (www.landregistry.gov.uk) or can be obtained from the Local Office. Alternatively Land Register OnLine (at www.landregisteronline.co.uk) provides easy access details of registered properties in England. Copies of title plans and registers held electronically can be downloaded in a PDF format. The register includes ownership details. There is a small charge for these services.

SECTION 2: GROUNDS OF COMPLAINT

2.1 It will help if you provide as much information as you can but keep it factual. Remember that you will have to send a copy of the form to the hedge owner so they will be able to see what you write in this section. If you use any additional sheets in this section these must also be copied and sent to the hedge owner.

Concentrate on the disadvantages you experience as a result of the hedge and 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, we cannot consider the fact that other people keep their hedges trimmed to a lower height or that the worry of the situation is making you ill. The complaint needs to be directly related to the adverse effects the hedge has on you enjoying your property.

2.2 To help the Council gain a good understanding of the situation you must draw a simple plan to show where the hedge is located in relation to the property it is affecting. The example should help you do this.

When drawing your plan, please look at the example and make sure that you:

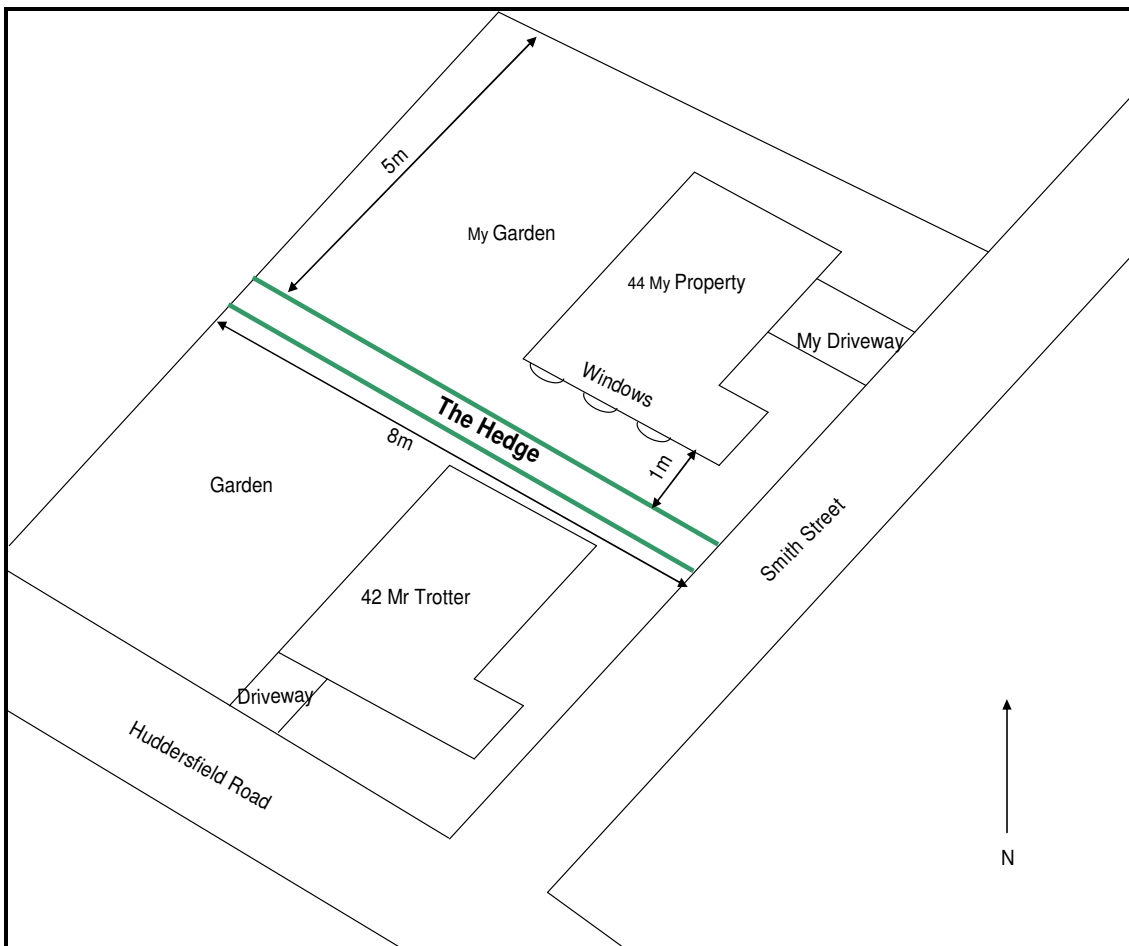
- Mark and name surrounding roads.
- Sketch in buildings, including adjoining properties. Add house numbers or names.
- Mark clearly the position of the hedge and how far it extends.

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 distance between the hedge and any windows affected, length and width of garden).
- All measurements must be in metres (m).

Please provide photographs of the hedge and put your name and the date on the back. Also if you have had any professional surveys prepared or there are any other documents you would like the Council to take account of please make copies of these and send them with your form.

Example Sketch



SECTION 3: PREVIOUS COMPLAINT/S TO THE COUNCIL

3.1 Only formal complaints where a complaint form was filled in after the 1st of June 2005 are relevant. You don't need to tell us about telephone calls or other informal contact with the Council about your hedge problems.

3.2 This section only needs to be filled in if you know there have been previous formal complaints to the Council.

3.3 You need to outline what has changed since the Council last made a decision about the hedge. If nothing has change you should be aware that the Council may come to the same decision should you decide to lodge another complaint.

SECTION 4: ATTEMPTS TO RESOLVE THE COMPLAINT

In this section it is the last 4 months of negotiations that the Council are interested in and you should make sure that you have had some form of negotiation in this period or the Council may not consider your complaint. However, you can include negotiations that occurred more than 4 months ago but the Council may not consider this in the complaint.

4.1 Describe any informal or formal discussions you have had with the hedge owner. You should include brief details and dates of discussions. Try to be as accurate as possible. Remember you will have to send a copy of this section to the hedge owner and if you continue on extra sheets a copy of these will have to be sent to the hedge owner.

4.2 Provide a list of any letter or email correspondence that has occurred between you and the hedge owner to try and resolve this problem. Copies of these letters/emails should be sent with your form to the Council. However, only a copy of the list of correspondence needs to be included for the hedge owner.

4.3 Describe how you informed the hedge owner that you were going to make a complaint to the Council. If this was in a letter or email please provide a copy for the Council (again there is no need to send copies to the hedge owner). If you spoke to the hedge owner please provide a brief description of what was said and date this as accurately as possible.

4.4 Please describe anything else you did to try and resolve the problems the hedge is causing. This may be that you offered to share the cost of the work, you arranged mediation. State the outcome of anything else you tried. Remember the hedge owner will see these descriptions and any additional sheets used need to be copied both to the Council and hedge owner.

SECTION 5: SUPPORTING DOCUMENTS

Please make sure you send all the relevant documents asked for and tick them in the box provided. If you have ticked the last box showing 'other documents mentioned on the form' please make sure you list these documents by date and title (e.g. January 2005-Surveyor's Report). This will help us to check that we have got everything.

SECTION 6: SENDING THE COMPLAINTS FORM

Make sure you sign and date the relevant sections and have enclosed the fee of £150 before you send the form to the Council. It is helpful to keep a copy of the whole form for your records. The Council will be in touch soon to let you know they have received your complaint and to tell you what will happen next.

You need to make a copy of the complaint form and any additional sheets used. You should send this copy to the hedge owner and/or occupier of the property where the hedge is growing. There is no need to send any other documents such as copies of emails or letters to the hedge owner and/or occupier.

For Office Use Only	
Reference No.	
Acknowledgement Date	
Due date	

COMPLAINT FORM: HIGH HEDGES

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 and checklist sent with it and the leaflet *"High Hedges: complaining to the Council"* which you received in an earlier letter. If you have downloaded this form please see our forms and publications section of the website to obtain a copy of this leaflet. Please use BLOCK CAPITALS and black ink.

When completed you should return this form and any other additional information requested to:

Planning Services (Tree Section)
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR

In order for us to process your complaint effectively, please make sure that the information you provide is clear and accurate. Before you complete any of the form, please answer the following questions with 'YES' or 'NO' and write this in the box.

1	Is the hedge (or the portion of hedge that is causing problems) made up of a line of two or more trees or shrubs?	
2	Is the hedge mostly evergreen or semi-evergreen? (See the guidance notes and leaflet).	
3	Is the hedge more than two metres (6'7") above ground level?	
4	Even if there are gaps between the leaves and trees, does the hedge obstruct light?	
5	Is the hedge growing on land owned by someone other than the person complaining?	
6	Does the person complaining own or occupy (e.g. as owner or tenant) the property affected by the hedge?	
7	Is the property affected by the hedge a residential property that does, or normally would have people living there?	

If you have answered 'NO' to any of the above questions the Council cannot consider the complaint.

SECTION 1: THE PEOPLE INVOLVED

1.1 Name and address of person complaining. This must be the owner or occupier of the property affected by the hedge. This person will be our main contact on all matters relating to this complaint (unless box 1.2 is filled in with an alternative contact).	
Name	
Address	
Post Code	
Daytime Telephone Number	
Mobile Telephone Number	
Email	
I will be the main contact relating to this complaint (Please write 'YES' or 'NO')	
The Council should use these details to contact me about this complaint. (Please write 'YES' or 'NO' in the box provided)	
I agree that the Council can contact me about this complaint using the above email address. (Please write 'YES' or 'NO' in the box provided)	
Do you own or rent the house. (Please indicate your status in the box provided)	

1.2 If you are filling out this form on behalf of someone else, put your contact details here. If you are the person complaining you should leave this box blank. (If you fill in this box you will be the main contact with regard to the complaint).	
Name	
Address	
Post Code	
Daytime Telephone Number	
Mobile Telephone Number	
Email	
Relationship to person complaining	
The Council should use these details to contact me about this complaint. (Please write 'YES' or 'NO' in the box provided)	
I agree that the Council can contact me about this complaint using the above email address. (Please write 'YES' or 'NO' in the box provided)	

1.3 Address of property affected by the hedge and name of person living there, if different from question 1.1	
Name	
Address	
Post Code	
Daytime Telephone Number	
Mobile Telephone Number	
Email	

1.4 Address of property where hedge is growing (if known).	
Name of hedge owner (if known)	
Address	
Post Code	
Daytime Telephone Number	
Mobile Telephone Number	
Email	

1.5 Name and address of the person who owns the property where the hedge is situated, if different from question 1.4 and if known.	
Name	
Address	
Post Code	
Daytime Telephone Number	
Mobile Telephone Number	
Email	

SECTION 2: GROUNDS OF COMPLAINT

2.1 Describe the problems that you experience because of the hedge and say how serious they are. Be sure to read the guidelines carefully first. It will save time and help your case if you stick to the facts and provide all relevant information and evidence to back up the points you are making. (Please continue on additional sheets if required. Put the date and your name on any additional sheets)

Lined area for writing the answer to question 2.1.

2.2 To help the Council understand the situation, you must provide a photograph of the hedge and a plan or sketch (please see example) illustrating the site where the hedge is growing and the property it is affecting, with the hedge clearly marked. Draw the plan in the box below or attach it separately. Write your name and the date taken on the back of any photographs. If you wish to submit your photographs digitally they can be on a CD or emailed. (Put the date and your name on any additional sheets). 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.

Large empty box for drawing a plan or sketch for question 2.2.

SECTION 3: PREVIOUS COMPLAINT(S) TO THE COUNCIL

3.1 As far as you know has a formal complaint (a completed complaint form) ever been made to the Council before about this hedge (not including any sent before 1st June 2005)? (Please write 'YES' or 'NO')		
If you have written 'YES' please provide the date of the Council's decision and the letter reference number. If you do not know these you should, if you can, enclose a copy of the Council's last letter about this old complaint. If you have ticked 'NO' please go straight to section 4.		
Date		Reference Number

3.2 Name and address of the person who made the previous complaint if different from question 1.1.	
Name	
Address	
Post Code	
Daytime Telephone Number	
Mobile Telephone Number	
Email	

3.3 What has changed since the Council's decision?

If nothing has altered since the last complaint the Council might not make a different decision on this new complaint.

SECTION 4: ATTEMPTS TO RESOLVE THE COMPLAINT

It is important to remember that Council involvement is a last resort and the Council may not consider your complaint if you have not made any attempts to negotiate an agreeable outcome in the last 4 months. Please describe any attempts you have made to resolve the situation. Please provide copies of letters you mention and make sure any discussions noted are accurate and dated.

4.1 Please describe any attempts to discuss the problem with the hedge owner.

4.2 Please outline the content of any letters written to the hedge owner and describe any replies you received. (Please include copies of these letters as evidence).

4.3 Please describe how you informed the hedge owner of your intention to complain to the Council (if this was by letter please provide a copy).

4.4 Anything else (e.g. offering to share the cost of the work, attempts at mediation).

SECTION 5: SUPPORTING DOCUMENTS

Are the following enclosed? Your application may be returned if there is insufficient supporting documentation. Please tick the boxes.

5.1 A photograph of the hedge.	
5.2 A location plan of the hedge and surrounding properties.	
5.3 Copies of correspondence with the hedge's owner (or their representative) about the hedge.	
5.4 Copies of any other documents that are mentioned in this form.	
Please list these documents below and continue on a separate sheet if necessary.	

SECTION 6: SENDING THE COMPLAINT FORM

6.1 I confirm that I have sent a copy of this completed form and all supporting documents to all of the people identified in section 1, including the hedge owner.					
Date sent		Signature		Print Name	

6.2 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 correct. I also enclose copies of any further documentation requested or mentioned on the form along with the required none returnable fee of £150.	
Signature	
Print Name	
I am signing on behalf of (print name of person complaining if you are filling in this form on their behalf)	
Date	

Please send the completed form and copies of all supporting documents to the address on page 1 of this form. Do not send original documents. You are advised to keep a copy of the entire form for your own records.

If you have any questions about completing this form please contact Ruth Salisbury on 01484 414 909 or ruth.salisbury@kirklees.gov.uk.

WHAT HAPPENS NOW?

Registering the complaint

Once the Council has received and accepted your form you will be sent an acknowledgement letter to show your complaint is to be considered. You may be asked to provide more information before you receive an acknowledgement letter if your form has not been filled in correctly or if you have not enclosed the right documents.

How long will it take?

The Government have not issued a given time to resolve complaints. Site visits will need to be undertaken and reports written. You should expect to wait a minimum of three months for the Council to reach a decision with regard to the complaint.