

High Hedges

A guide to the complaint form



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 Government's leaflets 'Over the Garden Hedge' and 'High hedges: complaining to the council' which are available on the Office of the Deputy Prime Minister's Web Site at www.gov.uk or from the District Council's Offices.

Your complaint may not be considered 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 our Planning Enforcement Team on 01684 862221 or via email at planningenforcement@malvernhills.gov.uk

Section 1: Criteria for making a complaint

Information about the hedge - You need to supply answers to all of the questions asked by ticking "yes" or "no" in the boxes provided. If the answer to any of the questions is "no" then the council will not be able to proceed with your complaint. 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.

Section 2: Identifying the main parties

The contact details of all of the main parties must be provided, as the council may have to contact them to send copies of documents submitted and to arrange any site visits that are required.

- **Complainant** - These are the contact details of the person who is making the complaint. Even if someone else is submitting the complaint on your behalf, it is important that we have your contact details.
- **Agent** - These are the contact details of the person, if any, who is acting on behalf of the complainant. Complete this section if you are a professional adviser, relative, friend or other representative.
- If you are appointing an agent or other person to act on your behalf please bear in mind that this person will be our main contact on all matters relating to this complaint. We will direct all queries and correspondence to them and will rely on them to keep you, the complainant, informed.
- **Site address and name of the person living there** - These are the contact details of the person who occupies the site where the hedge is growing. This will normally be the person you have talked to when you tried to agree a solution to your hedge problems.
- **Owner of the land where the hedge is situated** - These are the contact details of the person who owns the hedge. This section only needs to be completed if the owner's details are different to the occupier's details entered in section 2.4.

If you have difficulties in identifying the owner of the property you should carry out a search with the Land Registry www.landregistry.gov.uk

Section 3: Grounds of complaint

In this section you must outline the reasons why you feel that the hedge is preventing you from reasonably enjoying your property. It will help if you provide as much information as you can but keep it factual. Remember that a copy of this form will need to 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 driveway. Nor can we consider things that are not directly about the hedge in question, for example other people keep their hedges trimmed to a lower height; or that the worry is making you ill.

Section 4: Information about 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.

If a complaint has already been made and refused about the hedge in question, and there have been no significant changes since the original complaint, then the council may not proceed with a new complaint.

Section 5: Previous attempts to resolve the complaint

In this section you need to provide evidence of all previous attempts to resolve the dispute. Please keep the descriptions brief but say how you made the approach (e.g. face to face, phone, letter) and what the result was. Please supply dates of any meetings or mediation sessions and remember to supply 2 copies of any letters or emails that you refer to.

Section 6: Supporting documents

For the council to register your application you must provide us with copies of the following documents:

- A photograph of the hedge
- A location plan showing the following:
 - The position and length of the hedge.
 - Surrounding buildings with house names or numbers.
 - Surrounding roads with road names.
 - Which way is north. The location plan needs to be at a scale which can enable the clear identification of the hedge and affected properties (1:1250 or 1:500 preferred).
- Copies of correspondence with your neighbour about the hedge.
- Copies of all other documents that you have referred to on the form. If you have enclosed any copies of additional documents please be sure to list them by date and title in the provided space. This will help us to check that we have got everything.

Section 7: Sending the complaint

Once the form is completed you must check, sign and date it, and then send it with the appropriate fee (currently set at £330) to: **Planning Enforcement, Malvern Hills District Council, The Council house, Avenue Road, Malvern, Worcestershire WR14 3AF. WR10 1PT or by email to planningenforcement@malvernhills.gov.uk**

You must also ensure that you have sent a copy of the form to the person(s) named in Sections 2.4 and 2.5.