

COMPLAINT FORM: HIGH HEDGES Pursuant to Part 8 of the Anti-social Behaviour Act 2003

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 the form, please read the guidance notes sent with it, the government leaflets 'High hedges: complaining to the Council' and 'Over the garden hedge' and the Council's own leaflet 'High hedges – making a complaint'. Please use BLOCK CAPITALS and black ink.

YOU MUST PAY A FEE WHEN YOU SEND IN THIS FORM. The current fee is £350.

AVDC 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 the problem

1.2 Asked the hedge owner to try mediation

1.3 Informed them of your intention to complain to the Council

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

1.4 Anything else

2.0 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 two or more trees or shrubs? | Yes/No |
| 2.2 | Is it mostly evergreen or semi-evergreen? | Yes/No |
| 2.3 | Is it more than two 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 (e.g. tenant) of the property affected by the hedge? | Yes/No |
| | Please state whether owner or occupier | 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 AVDC cannot consider your complaint.

3.0 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 us 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.

4.0 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", please give the date and/or reference number of the Council's decision if known _____

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

If nothing has altered, we may not proceed with your complaint.

5.0 Who's who/the parties

5.1 Complainant's contact details

	Title	Forename	Surname
Name	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>		
	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>	Postcode	<input type="text"/>
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email address	<input type="text"/>		

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 section 5.1

	Title	Forename	Surname
Name	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>		
	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>	Postcode	<input type="text"/>
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email address	<input type="text"/>		

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

Name	<input type="text" value="Title"/>	<input type="text" value="Forename"/>	<input type="text" value="Surname"/>
Address	<input type="text"/>		
	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>	Postcode	<input type="text"/>
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email address	<input type="text"/>		

Is the agent, or other person named in Section 5.3, 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 the person living there, if known.

Name	<input type="text" value="Title"/>	<input type="text" value="Forename"/>	<input type="text" value="Surname"/>
Address	<input type="text"/>		
	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>	Postcode	<input type="text"/>
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email address	<input type="text"/>		

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.

Name	<input type="text" value="Title"/>	<input type="text" value="Forename"/>	<input type="text" value="Surname"/>
Address	<input type="text"/>		
	<input type="text"/>		
City/Town	<input type="text"/>		
County	<input type="text"/>	Postcode	<input type="text"/>
Daytime Telephone No.	<input type="text"/>		
Mobile Telephone No.	<input type="text"/>		
Fax No.	<input type="text"/>		
Email address	<input type="text"/>		

6.0 Supporting documents

- 6.1 Have you enclosed the following? *Please tick*
- 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 separately)

7.0 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 of £350.00
- 7.3 I have sent a copy of this form to the people identified in Section 5 above.

Signed: _____ Dated: _____
Print name: _____

- 7.4 Thank you. Now please email this form and any supporting documentation to

devcon@aylesburyvaledc.gov.uk or post to the address at the top of this form.

Telephone: (01296) 585426 Text phone (01296) 585055

You can download a copy of this form from our website at
www.aylesburyvaledc.gov.uk

Data Protection

AVDC is a Data Controller under the Data Protection Act 1998. We hold information for the purposes specified in our notification to the Information Commissioner and may use this information for any of them. We may receive information about you from other organisations, or we may give information to them. If we do it will only be as the law permits, to check the accuracy of information, to prevent fraud or detect crime, or to protect public funds.

GUIDANCE NOTES FOR COMPLETING THE COMPLAINT FORM: HIGH HEDGES



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 leaflets from the Department for Communities and Local Government (formally the ODPM) 'High Hedges: complaining to the council' and 'Over the garden Hedge' and the Council's own leaflet 'High Hedges – making a complaint 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 us on 01296 585426 or devcon@aylesburyvaledc.gov.uk

1. Attempts to resolve the complaint

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

We will not be able to deal with your complaint unless you can show that you have had these discussions in the last three months and that you have tried to involve independent mediators.

Example 1

- 12 April 2005 – phoned to ask if we could discuss the hedge. Met on 19 March but we couldn't agree a solution;
- 15 May – mediators visited;
- 2 June – met neighbours and mediators but still couldn't find an answer we were both happy with;
- 16 June – wrote to inform neighbour would be complaining to council.

It is not necessary to send copies of all correspondence with your neighbour about the hedge – especially if the complaint 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 (e.g. because you are a tenant or a leaseholder), you can still make a complaint, but you should let the owner (e.g. 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 concerned 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.
- 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 above) and provide relevant measurements (e.g. 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 email. 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 email. 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, e.g. '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. The relevant form (313) is on their website (www.landregistry.gov.uk) or can be obtained from the Local Office. The current fee for this service is £4 if you know the full postal address of the property.

Alternatively, Land Register Online at (www.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 £2 each. 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 (e.g. January 2005 – surveyor's report). This will help us 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 of title on them (e.g. hedge complaint 12 High St) so that we can match them up with your complaint.

Please make sure that you have included the necessary fee.

7. Sending the complaint

You should make your cheque out to Aylesbury Vale District Council.

Further Information

If you require any further information please call in at the office or telephone:

Planning
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Bucks HP19 8FF

Telephone: (01296) 585426

E-mail: devcon@aylesburyvaledc.gov.uk

Textphone (01296) 585055

- Our Customer Care Officers will help with requests for information. Team technicians will provide assistance in completing applications.
- The professional planning staff are often on site or otherwise engaged and it is preferable, if you want a particular officer's advice, to phone and arrange a suitable time for an appointment.
- For translations please telephone us on 01296 425334
- To obtain a copy of the guidance notes or form in large print please contact us on 01296 585414

Please note: Documents relating to all valid applications are now viewable via the Public Access system on the planning pages of our web site at www.aylesburyvaledc.gov.uk.