

An overview on high hedges

The Current Position

Part 8 of the Anti-social Behaviour Act 2003, which gives local authorities powers to deal with complaints about high hedges will come into operation in England on 1 June 2005.

Introduction

From 1 June 2005, provided they have tried and exhausted all other avenues for resolving their hedge dispute, people will be able to take their complaint about a neighbour's evergreen hedge to their local authority - your district or borough Council.

The role of the local authority is not to mediate or negotiate between the complainant and the hedge owner but to adjudicate on whether - in the words of the Act - the hedge is adversely affecting the complainant's reasonable enjoyment of their property. In doing so, the authority must take account of all relevant factors and must strike a balance between the competing interests of the complainant and hedge owner, as well as the interests of the wider community.

If they consider the circumstances justify it, the local authority will issue a formal notice to the hedge owner which will set out what they must do to the hedge to remedy the problem, and when by. Failure to carry out the works required by the authority is an offence which, on prosecution, could lead to a fine of up to £1,000.

You can contact ODPM about high hedge matters at hedges@odpm.gsi.gov.uk

Cutting the tall stories down to size

- The legislation does not require all hedges to be cut down to a height of 2 metres
- You do not have to get permission to grow a hedge above 2 metres
- When a hedge grows over 2 metres the local authority does not automatically take action, unless a justifiable complaint is made
- If you complain to your local authority, it does not follow automatically that they will order your neighbour to reduce the height of their hedge. They have to weigh up all the issues and consider each case on its merits
- The legislation does not cover single or deciduous trees
- The local authority cannot require the hedge to be removed
- The legislation does not guarantee access to uninterrupted light
- There is no provision to serve an Anti-social Behaviour Order (ASBO) in respect of high hedge complaints.