



2011 CHAPTER 21

Introductory

Complaints to which this Act applies

1.—(1) This Act applies to a complaint which—

- (a) is made for the purposes of this Act by an owner or occupier of a domestic property; and
- (b) alleges that the complainant’s reasonable enjoyment of that property is being adversely affected by the height of a high hedge situated on land owned or occupied by another person.

(2) This Act also applies to a complaint which—

- (a) is made for the purposes of this Act by an owner of a domestic property that is for the time being unoccupied, and
- (b) alleges that the reasonable enjoyment of that property by a prospective occupier of that property would be adversely affected by the height of a high hedge situated on land owned or occupied by another person,

as it applies to a complaint falling within subsection (1).

(3) In relation to a complaint falling within subsection (2), references in sections 3 and 5 to the effect of the height of a high hedge on the complainant’s reasonable enjoyment of a domestic property are to be read as references to the effect that it would have on the reasonable enjoyment of that property by a prospective occupier of the property.

(4) This Act does not apply to complaints about the effect of the roots of a high hedge.

(5) In this Act, in relation to a complaint concerning a high hedge—

“complainant” means—

- (a) a person by whom the complaint is made; or
- (b) if every person who made the complaint ceases to be an owner or occupier of the domestic property specified in the complaint, any other person who is for the time being an owner or occupier of that property;

and references to the complainant include references to one or more of the complainants;

“the neighbouring land” means the land on which the high hedge is situated;

“the council” means the district council in whose district that land is situated.

(6) In this Act “domestic property” means—

- (a) a dwelling; or
- (b) a garden or yard which is used and enjoyed wholly or mainly in connection with a dwelling.

(7) In subsection (6) “dwelling” means any building or part of a building occupied, or intended to be occupied, as a separate dwelling.

(8) A reference in this Act to the reasonable enjoyment of domestic property includes a reference to the reasonable enjoyment of a part of the property.

High hedge

2.—(1) In this Act “high hedge” means so much of a barrier to light as—

- (a) is formed wholly or predominantly by a line of two or more evergreens; and

- (b) rises to a height of more than two metres above ground level.

(2) For the purposes of subsection (1) a line of evergreens is not to be regarded as forming a barrier to light if the existence of gaps significantly affects its overall effect as such a barrier at heights of more than two metres above ground level.

(3) In this section “evergreen” means an evergreen tree or shrub or a semi-evergreen tree or shrub.

(4) But nothing in this Act applies to trees which are growing on land of 0.2 hectares or more in area which is forest or woodland.