
STATUTORY INSTRUMENTS

2005 No. 711

The High Hedges (Appeals) (England) Regulations 2005

Withdrawal etc of remedial notice – grounds of appeal

4.—(1) Where—

- (a) a remedial notice is withdrawn without the agreement of the complainant; and
- (b) the relevant authority have not issued a further remedial notice in respect of the same high hedge,

an appeal under section 71(1) of the Act against the withdrawal of the notice may be made on the ground that there has been no material change in circumstances since the remedial notice was issued that justifies withdrawal of the notice.

(2) Where the relevant authority has waived or relaxed the requirements of a remedial notice without the agreement of the complainant or the owner or occupier of the land where the high hedge is situated (as the case may be), an appeal under section 71(1) of the Act against the waiver or relaxation may be made on any of the following grounds—

- (a) that there has been no material change in circumstances since the notice was issued that justifies the waiver or relaxation of its requirements;
- (b) that the requirements of the remedial notice, as waived or relaxed, are insufficient to remedy the adverse effect of the high hedge on the complainant's reasonable enjoyment of the domestic property specified in the notice or to prevent its recurrence;
- (c) that the requirements of the remedial notice, as waived or relaxed, exceed what is necessary or appropriate to remedy the adverse effect of the high hedge or to prevent its recurrence.