

Garden Hedges

1. The Right Hedge

The right hedge can be an ideal garden boundary but the wrong hedge may bring problems. Whether you own a hedge or are affected by one, use this guide to help you agree what is right for you and your neighbours.

A good hedge has many benefits as a garden boundary. A hedge is a useful weather and dust filter, is inexpensive to create and long-lasting, can encourage wildlife and can be a feature of beauty and interest in its own right. It also offers privacy and security.



You don't normally need permission to plant a hedge in your garden. And there are no laws on how high you can grow your hedge. See Section 3 "Garden Hedges and the Law" for more information about legal matters.

You are responsible for looking after any hedge on your property and for making sure it is not a nuisance to anyone else. This means trimming the hedge regularly, both top and sides. See Section 4 "Cutting Comments" for more information to help you meet your obligations.

2. The Wrong Hedge - and what to do about it

Problems can occur if a hedge is allowed to grow unchecked.

If you are troubled by someone else's hedge, the best way to deal with the issue is to talk to them about it. This will work best if you have good relations with your neighbours. It is in both your interests to try and sort things out. After all, you have to continue to live near each other and so it is better if you are on good terms.

If you do not get on or if the dispute over the hedge is long-running, it might be better to consider mediation straightaway. For more information see, "If you can't find the right answer", at the end of this section.

Stage one: be prepared

Before you contact the owners of the hedge, be clear in your own mind about:

- **What the problem is** - for example, the hedge blocks light to the main rooms of your home; it deprives you of winter sunshine; it encroaches on your garden and is affecting the growth of your plants; the hedge is pushing over your fence; the roots are damaging your path, garage or home. **Please note that the Trees and High Hedges Act 2005 does not apply to complaints about damage caused by roots of either a tree or a high hedge (see section 1(2) of the Act).**
- **How it affects you** - for example, you have to have the lights on for longer; your garden is in shade for much of the day; it will cost you £x to replace your fence only for the hedge to knock it over again; you are afraid someone will trip on the broken path or drive; it will cost you £x to repair your path, garage or home.
- **What you want** - for example, the size of hedge you would prefer; how the hedge should be kept to this size.

Someone who is not involved such as the Citizens Advice Service can help you work out what you might say. You might also find it helpful to write it down.

Stage two: making the first move

This is only to fix a time and place so that you and the owners of the hedge can talk about the problem properly. You are most likely to be able to sort things out between you if you:

- Ask your neighbours face to face rather than push a note through the door.
- Don't rush them into a discussion too soon. They also need time to think.
- Invite them into your home so that they can see things from your side of the hedge. But don't press it if they are uncomfortable with the idea.

Even if you are not on speaking terms it is still worth trying to set aside your differences to find a solution to your hedge problems. In these circumstances you might prefer to make the first move by letter. Think carefully about what you put in it:

- stick to the facts. You might want to describe the problems caused by the hedge and how these affect you – see stage one above
- don't dwell on past failures to sort this out. Look forward to taking the heat out of the situation by airing your differences in a cool and collected manner
- don't be rude or abusive
- put yourself in the place of the person you are writing to. Think of how you would feel if you received the letter
- it pays to spend time sketching out the letter in rough
- type or write the letter out and put it neatly in an envelope. It shows you have taken time and trouble and are serious. A scrappy note pushed through the door suggests that you don't really care.

Stage three: it's good to talk

You might:

Welcome the chance to get together to sort things out.

- Tell your side of things. Use the notes you have prepared to say what the problem is and how it affects you. By all means, say how the hedge makes you feel - for example, "It makes me feel hemmed in and gets me down".
- Show your neighbours the problems that the hedge is causing.
- Listen to what your neighbours have to say. Don't charge in with a list of demands. They might not have realised how you felt about the hedge or might be unable - perhaps because they're frail or ill - to deal with the problem. Alternatively, they might have reasons for growing a high hedge - for example, they could be trying to block out something that you don't see. Only by trying to understand each other's point of view will you reach a lasting solution.

Stage four: finding the right answer

This is the difficult part because there is no one right answer. But to find what is best for both of you:

- Make sure that you have both got everything off your chest and all the issues are out in the open.
- Sort out the things you can agree on - even if it is agreeing to differ.
- Treat it as a shared problem that you need to solve together.
- Be open to ideas and suggestions, including what you each might do.
- Look at all the options before picking the one that suits you both.

Stage five: putting the answer into practice

When you have your answer:

- Make sure you both know who is meant to do what and by when. It might be a good idea to write this down.
- Set a date to check how your agreement is working.
- Agree how you will let each other know about any future problems.

If you can't find the right answer

Mediation

If you **cannot** agree what to do about the hedge, you might consider **mediation**. This involves calling in an independent person to help you understand each other's point of view and agree a plan of action. But you must both be willing to try and find an answer.

Involving the Local Authority – a last resort

If the owner of the hedge, or the occupier of the neighbouring property (if it is let), will not co-operate then, under the Trees and High Hedges Act 2005, you may make a complaint to your Local Authority, or alternatively to the Department if your Local Authority does not have delegated powers under this Act. Your Local Authority will advise you on how to progress your complaint – see “High Hedges – making a complaint” for further details. **They will expect you to have gone through the steps outlined above before you approach them for help. They can turn away your complaint if they think that you haven't done enough to try and sort it out yourself.**

The Department or Local Authority may also recommend that complainants should refer to the document “**Hedge height and light loss**” produced by the Building Research Establishment. This guidance document provides an objective method for assessing whether a hedge is obstructing light to windows. **However, please note that it should only be used when dealing with a row of evergreen bushes or trees, and not deciduous trees, single trees or woodlands.** Details of the publication may be accessed via the Department's website.

You need to be aware that if your complaint is made formal then you will need to pay a fee. Before any formal approach is made, it's as well to write to your neighbour to let them know what you are going to do. Keep the letter short and simple. Don't make it sound like a threat.

3. Garden Hedges and the Law

Legal rights

You don't normally need permission to plant a hedge in your garden.

- If parts of a hedge cross a boundary (above or below ground), owners of adjoining properties have the right to cut branches or roots back to the boundary. But see also “Legal Restrictions” below.
- There are no laws on how high you can grow your hedge. The rules that govern the height of boundary walls and fences don't apply to hedges.
- There is no general right to light.

Legal restrictions

- **Conservation Areas** - you might need planning permission to cut back or remove a hedge if you live in a conservation area. Check before you do any work (see „Planning Conditions” below).
- **Tree Preservation Act 1993** – under the Act the majority of trees on the Island are protected and you would require a Licence from the Department of Environment, Food and Agriculture to fell a tree. Trees can, however, be trimmed or limbed without a Licence, unless they are **Registered** under the Act, in which case, **no work of any kind** can be undertaken without specific written approval from DEFA. It is advised that you contact the Forestry Amenities and Lands Directorate before you do any work by telephone on: 801263 or by e-mail: **forestry@gov.im**
- **Covenants** - some properties have legal covenants which stipulate the size or type of hedge you can grow. Details should be in your deeds.

- Planning conditions - some hedges must be kept under the terms of a planning permission. Check with the Secretary to the Planning Committee, Department of Infrastructure as you would need their consent to remove such a hedge. Tel: 685950
- Birds - it is against the law to disturb nesting wild birds. Before you make a cut, check there are no birds' nests currently in use. To be on the safe side, trim hedges during the winter months when there is no danger that birds may be nesting.

Legal obligations

- You are responsible for any hedge on your property and for looking after it.
- If parts of your hedge break or fall, or it damages neighbouring property in any way, you could be liable for the cost of repairs and might have to pay compensation.
- If a hedge obstructs the public pavement, or is dangerous to users of the public highway by virtue of obstructing their view, the Department of Infrastructure s Highways Division can require you to cut it back or remove it.¹ Tel 686665.
- Anything you cut from someone else's hedge remains their property. Before you get rid of any trimmings, check what the owner wants doing with them. If you're returning what you've cut off, don't just throw it into your neighbour's garden - stack it neatly.
- If a hedge is in such a condition as seriously to injure the amenities of the neighbourhood, the local authority may take enforcement action ²

4. Cutting comments

Here are some important things to think about to make sure that a hedge is not a nuisance to anyone.

Maintenance

- The best way of preventing a hedge from becoming a problem is to keep it in good shape. This means trimming both top and sides at least once a year.
- Regular light pruning is better for the hedge and easier to do than infrequent heavy pruning.
- You will probably need specialist equipment or professional help to trim a hedge over 2.5 metres high.
- If more drastic action is needed - say, to renovate a neglected hedge - it is a good idea to get professional advice. The hedge might not grow back again and could leave you with something unsightly, or it might die. You might be better off removing it and starting again.
- If you can cut part of your hedge only from a neighbour's garden, you will need to discuss and agree with them when and how you do the work.
- There are many gardening magazines that provide information about looking after a hedge.



¹ Section 51 of the Highways Act 1986

² Section 14 Local Government (Miscellaneous Provisions) Act 1984

Privacy

- A hedge can help prevent you from being overlooked inside your home and garden. But it does not have to be very tall to achieve this.
- On a level site, a height of 2 metres will usually provide privacy from a neighbour's ground floor or garden and should therefore be enough in urban areas.

Sunlight

- A hedge's shadow might offer cool relief from the summer sun, however, it might also deprive you or your neighbours of welcome rays of sunshine.
- It is possible to calculate the extent of shading from a hedge.

Daylight

- A hedge will cut out natural light to your own and neighbouring property.
- It is a matter of judgement as to what constitutes a hedge that is so high as to block out light to an excessive degree.
- A hedge below this height could still cut out light but anything above it is likely to have a severe effect.
- For evergreen hedges, you can do some calculations that will tell you what height the hedge should be if it is not to block too much daylight and sunlight. See the booklet **"Hedge height and light loss"** for further information, **although please note it should only be used when dealing with a row of evergreen bushes or trees, and not deciduous trees, single trees or woodlands.** This booklet is also referred to in page 4 of this leaflet.

Views

- A tall hedge can block out an eyesore or someone else's cherished view.
- While no-one has a right to a particular view, people can get upset if an outlook they value is taken away from them without any consultation. This can be a particularly sensitive issue if you overlook the coast, countryside or parkland.

Property damage (see note below)

- An overgrown hedge could push over a boundary fence. Equally, the base of the trunks or roots growing near the surface could lift paving or low walls.
- By taking moisture from clay soils that shrink when they dry out, a large hedge could cause subsidence damage to nearby buildings, paths, drives or walls.

However, a hedge that is growing close to buildings is not bound to cause such damage. There are lots of other factors that can be involved, besides the hedge.

Note – The Trees and High Hedges Act 2005 does not apply to complaints about damage caused by the roots of either a tree or high hedge (see Section 1(2) of the Act).

5. Useful contacts

The Department`s Tree(s) and High Hedges web-page: –

<http://www.gov.im/categories/planning-and-building-control/planning-development-control/trees-and-high-hedges/>

Citizens Advice Service - offer free, confidential, impartial and independent advice see yellow pages under "Counselling & Advice".

Gardening Which? helps its members with their gardening problems. See their website for further details:- <http://www.which.co.uk/magazine/gardening/>

Hedges - For advice concerning problems about hedges that are too high you should initially contact either your Local Authority or Ian Jackson in the Department of Infrastructure s Properties Division (687105), who is able to assist if the Local Authority for your area does not have delegated powers under the Trees and High Hedges Act 2005.

Mediation – where this is felt by all parties to be helpful the Isle of Man Law Society can provide a list of Advocates who offer mediation services and advice. Telephone 662910 or email: enquiries@iomlawsociety.co.im

Royal Horticultural Society - helps its members with their gardening problems. Tel: 0845 260 8000. General advice on planting and looking after hedges is available at www.rhs.org.uk/advice

Tree Help - for advice on anything to do with trees and whether or not they may be trimmed or reduced in height contact the Forestry Amenity and Lands Directorate of the Department of Environment, Food and Agriculture on 801263 or via e-mail: forestry@gov.im