



**DECISION
DIRECTOR OF DEVELOPMENT AND ENVIRONMENT,**

DECISION No. DE 16/17 171

SUBJECT:

Anti-social Behaviour Act 2003: High Hedges
Formal Complaint reference HH26 – Remedial Notice.

DETAILS:

A formal complaint has been received regarding a high hedge affecting 11 Hillmead, Langford, BS40 5HA. The complaint has been investigated and a Remedial Notice has been recommended in respect of high hedging located at Barrington, Bristol Road, Churchill, BS40 5JH.

DECISION:

1. That John Flannigan, Community and Environment Services Manager, be authorised to issue a Remedial Notice in respect of high hedge growing on the northern boundary of Barrington, Bristol Road, Churchill, BS40 5JH and shown on the attached plan.
2. That the following action be required for the hedge H1, comprised of Leyland Cypress, and shown on the attached plan.

Initial Action

Row of Leyland Cypress trees shown as H1 on the plan to be reduced to 4.75m above ground level, measured from ground level on the complainants side.

Compliance is to be within a period of three months of the date of the notice.

Preventative Action - Final Heights by the end of the compliance period and for future years whilst the remedial notice remains in force:

Hedge identified on the plan as H1 – not to exceed 5.25m above ground level in future years, measured from ground level on the complainants side.

Reasons:

1. The trees comprising the hedge H1 along the rear boundary of Barrington, Bristol Road, Churchill, BS40 5JH is considered to be adversely affecting the reasonable enjoyment of the property 11 Hillmead, Langford, BS40 5HA.
2. Action should be taken in relation to the hedges with a view to remedying the adverse effect.

Other Alternatives Considered:

1. Take no action.

Signed.....



David Carter - Director,
Development and Environment

Dated.....

13/9/16

REMEDIAL NOTICE

IMPORTANT - THIS NOTICE AFFECTS THE PROPERTY AT BARRINGTON, BRISTOL ROAD, CHURCHILL, BS40 5JH ANTI-SOCIAL BEHAVIOUR ACT 2003

ISSUED BY: North Somerset Council

1. THE NOTICE

This Notice is issued by the Council under section 69 of the Anti-social Behaviour Act 2003 pursuant to a complaint about a high hedge situated at Barrington, Bristol Road, Churchill, BS40 5JH. The Council has decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at 11 Hillmead, Langford.BS40 5HA and that action should be taken in relation to the hedge with a view to remedying the adverse effect and preventing its recurrence.

2. THE HEDGE TO WHICH THE NOTICE RELATES

The hedge is located in the premises Barrington, Bristol Road, Churchill, BS40 5JH along the northern boundary, marked on the attached plan as H1.

3. WHAT ACTION MUST BE TAKEN IN RELATION TO THE HEDGE

Initial Action

Hedge indicated as H1 on the plan to be reduced to **4.75m above ground level** when measured from ground level on the complainants side.

Compliance is to be within a period of three months of the date of the notice.

Preventative Action

Final Heights by the end of the compliance period and for future years whilst the remedial notice remains in force:

Hedge identified on the plan as H1 – not to exceed **5.25m** above ground level in future years, measured from ground level on the complainants side.

4. COMPLIANCE PERIOD

The initial action specified in paragraph 3 above to be complied with in full within three calendar months of the date of this Notice.

5. FAILURE TO COMPLY WITH THE NOTICE

REMEDIAL NOTICE

Failure by any person who, at the relevant time, is an owner or occupier of the land where the hedge specified in paragraph 2 above is situated:

- a. to take action in accordance with the initial action specified in paragraph 3 above within the period specified in paragraph 4; or
- b. to take action in accordance with the preventative action specified in paragraph 3 above by any time stated there;

may result in prosecution in the Magistrates Court with a fine of up to £1,000. The Council also has power, in these circumstances, to enter the land where the hedge is situated and carry out the specified works. The Council may use these powers whether or not a prosecution is brought. The costs of such works will be recovered from the owner or occupier of the land.

Dated of Notice: 19th September 2016

Signed:



John Flannigan, Green Infrastructure Team Leader,
Natural Environment, Streets and Open Spaces Management
On behalf of NORTH SOMERSET COUNCIL