

# High Hedge Notices



**PERTH &  
KINROSS  
COUNCIL**

## High Hedge Notice Application: Guidance Notes

The High Hedges (Scotland) Act 2013 came into force on 1<sup>st</sup> April 2014. These Guidance Notes have been produced to assist those who wish to apply for a High Hedge Notice and should be read in conjunction with the Scottish Government guidance for local authorities, which was updated in 2019 and can be found online at: [High Hedges \(Scotland\) Act 2013: revised guidance 2019 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/guidance/2019/01/high-hedges-scotland-act-2013-revised-guidance-2019-01/guidance-2019-01-high-hedges-scotland-act-2013-revised-guidance-2019-01.pdf)

The Act can be found online at:

<http://www.legislation.gov.uk/asp/2013/6/contents>

### Definition of a 'High Hedge'

A "high hedge" according to the Act is "a row of two or more trees or shrubs, rising to a height of more than two metres above ground level, and which forms a barrier to light". It does not apply to single trees, woodlands or forests. If your neighbour's hedge does not meet the above criteria, we will not be able to accept an application for a High Hedge Notice. If we consider that your neighbour's hedge does not meet the definition of a 'high hedge', we will not be able to issue a High Hedge Notice.

### Who can apply for a High Hedge Notice?

To be eligible to apply for a notice, you must be the owner or occupier of a residential property whose light is affected by a hedge meeting the above definition. The hedge does not need to be on adjoining land but it does need to form a barrier to light.

### When to apply

The legislation makes it clear that applying for a High Hedge Notice should be the last resort and not the first stage in the process. Councils must dismiss applications where it is considered that the applicant has not first taken all reasonable steps to resolve the dispute, or where it is considered the application is 'frivolous or vexatious'. Before you can apply, you must therefore be able to demonstrate, with evidence, that you have exhausted all other methods of resolving the matter. This can include mediation (for further information contact [Citizens Advice Scotland](https://www.citizensadvice.org.uk/)). Even if you have previously made informal contact, you must have sent a letter to the owner of the hedge at least 28 days before you submit your application, requesting a reduction in the height of the hedge. Keep a copy of the letter, together with any response to it, and submit it with your application. We suggest that you send the letter by recorded/registered delivery.

### What you need to include with your application.

- A completed High Hedge application form.
- A plan (preferably to a recognised metric scale such as 1:1,250 and/or 1:500) clearly identifying the location and extent of the hedge.
- Photos of the hedge.

- Any relevant supporting documents (eg correspondence or other documented evidence of attempts to resolve the dispute).
- The required application fee, which can be found in our [Fees Charter and Scale of Fees](#).

Please be aware that as part of the determination process we have to notify the owner of the land of your application and provide them with a copy of your details, although sensitive personal information (e.g. telephone numbers, e-mail addresses and signatures) will be removed.

### **Completed applications should be sent to:**

Development Management  
Planning & Development  
Communities  
Perth and Kinross Council  
35 Kinnoull Street  
Perth  
PH1 5GD

Email: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

### **What happens after you submit the application?**

If your application is accepted by the Council, it will be acknowledged and an officer will usually then visit the site to assess whether the hedge impacts adversely on the reasonable enjoyment of your property. The owner of the land will be notified of the application and given a period of **28 days** to submit representations to the Council regarding the application. After considering all the information and evidence, we will notify both yourself and the hedge owner of our decision and the reasons for coming to that decision.

### **The Council has to make a decision based on one of two options:**

1. to serve a notice as it is considered by the authority that it is justified to do so under the terms of the Act: or
2. that the effects of the hedge are not considered by the authority to be such as to justify the serving of a notice.

### **Rights of Appeal**

If the Council decides not to serve a High Hedge Notice and you are aggrieved by this decision, you have a right of appeal to the Scottish Ministers through the Directorate of Planning and Environmental Appeals (DPEA). The DPEA has, however, no jurisdiction to consider an appeal where the Council has determined that the subject of the application does not constitute a High Hedge. As such, you may wish to carefully consider if the hedge meets the definition of a 'high hedge' before submitting your application.

Similarly, hedge owners who receive a High Hedge Notice can appeal to the Scottish Ministers. The decision of the Scottish Ministers is final (subject to the right of any aggrieved person to apply to the Court of Session though the Court of Session can only consider points of law and cannot re-examine the merits of the case).

The DPEA's contact details/

The DPEA's contact details are:

**Planning and Environmental Appeals Division  
Hadrian House  
Callendar Business Park  
Falkirk  
FK1 1XR**

**Telephone: 0300 244 6668**

**Website: <http://www.dpea.scotland.gov.uk/>**