

The Planning Inspectorate

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For official use only

Date received

Anti-Social Behaviour Act 2003 Section 71

(High Hedges Appeal against the: issue of a remedial notice (section 71(1)(a)), the withdrawal, waiver or relaxation of a remedial notice (section 71(1)(b) or (c)) and decisions made otherwise than in the complainant's favour (section 71(3)) .

If you need this document in large print, on audio tape, in Braille or in another language, please contact our Diversity Help Line on 0117 372 8939

WARNING:

You must ensure that the completed appeal form, together with the required supporting documents, is received by us within the appeal period. Incomplete/late appeals will not be accepted. Please print clearly in black ink using capitals.

A. APPELLANT DETAILS

Appellant Details

| | |
|------------------------|------------------------|
| Name _____ | Your reference _____ |
| Address _____ _____ | Daytime phone no _____ |
| | Fax no _____ |
| | Mobile No _____ |
| Postcode _____ | E-mail address _____ |

Agent Details

| | |
|------------------------|------------------------|
| Name _____ | Your reference _____ |
| Address _____ _____ | Daytime phone no _____ |
| | Fax no _____ |
| | Mobile No _____ |
| Postcode _____ | E-mail address _____ |

B. APPEAL SITE DETAILS

Address or name (if appropriate), or preferably both, of the appeal site (e.g. Dyffryn Mawr, west of Pant Glas Road, St Davids):

Postcode of, or nearest property to, the appeal site:

A clear description to allow the hedge to be identified without a mapping aid (e.g. landmarks, named or numbered roads, public rights of way, rivers etc)

C. COUNCIL'S DETAILS

| | |
|----------------------------|-------|
| Council's Name | _____ |
| Council's Reference Number | _____ |
| Date of Complaint | _____ |
| Date of Council's notice | _____ |

D. CHOICE OF LANGUAGE

Please indicate in which language you want the appeal dealt with; (Please tick ✓one box only)

| | |
|--|--------------------------|
| 1. I want the appeal dealt with in Welsh | <input type="checkbox"/> |
| 2. I want the appeal dealt with in English | <input type="checkbox"/> |

E. GROUNDS FOR APPEAL

Appeals are made under section 71(1) of the Act. Please indicate below the grounds for the appeal and then set out in section E the reasons for appealing.

Appeals against the decision of the council to issue a remedial notice because:

| | |
|---|--------------------------|
| 3(1)(a) the height of the high hedge does not adversely affect the complainant's enjoyment of their property | <input type="checkbox"/> |
| 3(1)(b) no action should be taken in relation to the high hedge to remedy the adverse effect on the complainant's enjoyment of their property or prevent the effect recurring | <input type="checkbox"/> |
| 3(1)(c) the notice exceeds what is necessary to remedy the adverse effect of the high hedge or prevent the effect from recurring | <input type="checkbox"/> |
| 3(1)(d) the period specified in the notice to carry out the action falls short of what should reasonably be allowed | <input type="checkbox"/> |
| 3(2)(a) the notice does not remedy the adverse effect of the high hedge on the complainant's enjoyment of their property or prevent a recurrence of its effect | <input type="checkbox"/> |

Appeals against the decision of the council to withdraw a remedial notice or to waiver or relax its requirements
NOTE: None of the grounds below can be pleaded unless:

- 28 days, beginning with the date of withdrawal of the notice, has expired without the council issuing another notice for the same high hedge; and
- the withdrawal of a notice or the waiver or relaxation of its requirements was not agreed by each of the complainants and/or the owner occupier of the land where the hedge is situated.

An appeal can then be made on the grounds that:

| | |
|--|--------------------------|
| 4(3)(a) there has been no material change in circumstances which would justify withdrawal of the notice or the waiver or relaxation of its requirements | <input type="checkbox"/> |
| 4(3)(b) the notice, as waived or relaxed, does not remedy the adverse effect of the high hedge on the complainant's enjoyment of their property or prevent a recurrence of that effect | <input type="checkbox"/> |
| 4(3)(c) the notice, as waived or relaxed, exceeds what is necessary to remedy the adverse effect of the high hedge on the complainant's enjoyment of their property or prevent a recurrence of that effect | <input type="checkbox"/> |

Appeals against the decisions of the council made otherwise than in the complainant's favour because:

| | |
|--|--------------------------|
| 5 the height of the high hedge specified in the complaint is adversely affecting the complainant's reasonable enjoyment of their property and action should be taken to remedy the effect of the high hedge on the complainant's enjoyment of their property or prevent its recurrence | <input type="checkbox"/> |
|--|--------------------------|

F. REASONS FOR THE APPEAL

It isn't enough just to say that you don't accept the Local Authority's Remedial Notice/Decision, you must give your FULL reasons in support of your grounds.

G. APPEAL SITE OWNERSHIP/INTEREST IN LAND

Appeals can be made by the original complainant to which the notice relates or, the owner of occupier of land neighbouring the site to which the notice relates.

It is vital that we know your interest, so please tick the appropriate box ✓.

- | | | | |
|--------------|--------------------------|-----------------------------------|--------------------------|
| 1. Landowner | <input type="checkbox"/> | 4. Landowner of neighbouring land | <input type="checkbox"/> |
| 2. Occupier | <input type="checkbox"/> | 5. Occupier of neighbouring land | <input type="checkbox"/> |
| 3. Tenant | <input type="checkbox"/> | 6. Tenant of neighbouring land | <input type="checkbox"/> |

H. INTERESTED PERSONS (To be completed by hedgeowners only)

Please supply the names and addresses of any other persons, who to the best of your knowledge, have an interest in the land (an interest in the land may mean ownership, a tenancy or any other right over land held by virtue of a licence or agreement).

To the best of my knowledge, there are no other persons with an interest in the land. (*)

Or

The following persons have an interest in the land (*):

| Interested Persons Name | Address |
|-------------------------|---------|
|-------------------------|---------|

* Delete whichever does not apply.

I. CHOICE OF PROCEDURE (Two Options)

Please note that when we decide how the appeal will proceed we will also take into account the Council's procedural preference. For further information see the booklet 'Appealing against High Hedge Notices' which accompanied this form.

Please tick one box only ✓

- 1. WRITTEN REPRESENTATIONS**

Written representations is usually the quickest and cheapest means of dealing with the appeal.

- 2. HEARING**

J. ESSENTIAL INFORMATION AND SUPPORTING DOCUMENTS

Unless you have included the information and documents listed below your appeal will be invalid and we will not be able to deal with it. Please tick ✓ the boxes to confirm that you have included the relevant information.

1. A copy of the Remedial Notice/Decision which is the subject of the Appeal
2. Copies of relevant correspondence between the Appellant and the Local Authority, Parties to the Appeal and Interested Persons, in relation to the complaint which is the subject of the Appeal.

K. PLEASE SIGN BELOW

Signed forms together with supporting documents must be received by us before the end of the 28 day period from the relevant date of the Remedial Notice/date of the Local Authority's Decision.

If you are sending your appeal via email, you may use an electronic signature or print your name.

I confirm that all sections have been fully completed and that the details of my legal interest in the land (**Section D**) are correct to the best of my knowledge.

I understand that:

- a, you may use the information I have given for official purposes in connection with the Anti-Social Behaviour Act 2003 to make a decision on this appeal, and;
- b, the Planning Inspectorate will be required to pass the information I have given to the Council.

By submitting this form I am agreeing to the use of the information I provide in this way.

Signature _____ In the case of agents on behalf of _____

Name (in capitals) _____ Date _____

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection Policy can be found on our Website under "Privacy Statement".

PLEASE NOW SEND:

ONE COPY to us at:

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

ONE COPY to the Council

Send a copy of the appeal form to the address from which the notice was sent (or to the address shown on any letters received from the Council). If you do not send them a copy of this form and documents, we may not accept your appeal.

Please keep ONE COPY for your own reference

When we receive your appeal form, we will tell you if it is valid, who is dealing with it and the Timetable for submissions of representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are received late we will not be able to consider them. Normally they will not be seen by the Inspector but will be sent back to you.

At the end of the appeal process the Inspector will give the decision and the reasons for it in writing.