



WELSH GOVERNMENT
23 FEB 2020
For official use only
Date received

HIGH HEDGES APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our Help Line on 02920 823866

Please use a separate form for each appeal

WARNING: You must ensure that the completed appeal form, together with the required supporting documents, is received before the end of the 28 day period from the relevant date of the Remedial Notice/date of the Local Authority's Decision. Incomplete/late appeals will not be accepted.

PLEASE PRINT CLEARLY IN CAPITAL USING BLACK INK

A. APPELLANT DETAILS

Name

Organisation Name (if applicable)

B. AGENT DETAILS (if any) FOR THE APPEAL

Name

Organisation Name (if applicable)

Your Reference

C. COUNCIL'S DETAILS

Council's Name

Council's reference No

Date of Complaint

Date of Council's notice/decision

D. SITE ADDRESS OF THE HEDGE

Site Address

HEDD-FAN
SULL ROAD
PENARTH
CF64 2TP

Postcode of (if known), or nearest property to, the appeal site

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E. DESCRIPTION OF THE HEDGE

Please enter 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), including the height and length of the hedge.

A	ROW	TREES	IN	THE
		GARDEN		

F. 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 G the reasons for the appeal.

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
- 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
- 3(1)(c) - the notice exceeds what is necessary to remedy the adverse effect of the high hedge or prevent the effect from recurring
- 3(1)(d) - the period specified in the notice to carry out the action falls short of what should reasonably be allowed
- 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

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
- 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
- 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

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

G. REASONS FOR THE APPEAL

It is not 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.

Please continue on a separate sheet if necessary

The trees have been there before 1920
and do not affect the light in
Lyncroft Gully Road Penarth
The trees were there before
Liam and Joanna Creaven
moved in. and if they did not like
them they should not have moved in

H. CHOICE OF PROCEDURE

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

[Empty box]

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

J. INTERESTED PERSONS (to be completed by hedge owners only)

We need to know 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).

(please tick appropriate box) ✓

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

OR

(b) The following persons have an interest in the land b

Interested Persons Name

[Four empty boxes for names]

Please supply address(es) on
on personal details page

K. 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 | 1 | <input type="checkbox"/> |
| 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. | 2 | <input type="checkbox"/> |

L. 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

w

2. I want the appeal dealt with in English

e

Personal Details

Personal Details on this page will not be publicly available

1. APPELLANT PERSONAL DETAILS