

Local Government and Communities Committee

Post-Legislative Scrutiny of the High Hedges (Scotland) Act 2013

Submission from Paul Bruce

We purchased a house in Edinburgh in 2015 which required renovation.

The garden grounds were very overgrown and the neighbour on one side had a variety of very high trees and shrubs, some up to around thirty feet high.

During our renovation we approached the neighbour and asked if the trees and shrubs on her property could be reduced in height to allow some natural light into our property.

We offered to pay for this work to be carried out.

Initially the neighbour agreed but then went on to change her mind.

We continued to discuss the situation with her but she refused to allow us to lower her trees and shrubs.

On reading the council's definition of a High Hedge ("which is formed wholly or mainly by a row of two or more trees or shrubs which exceed two metres in height and which forms a barrier to light") we thought that this would be a simple case of applying to the council and paying the required fee for the situation to be resolved however the council later informed us that our application could not be accepted as the two officers that inspected the problem determined that "the vegetation in question does not meet the definition of a high hedge".

The refusal went on to say that "the vegetation in question is a line of mixed trees including a single Leylandii and Hemlock and a number of Cherry, Elm and Holly with occasional shrubs including Philadelphus and Cotoneaster".

It went on to say that "it does not appear to have been planted as a hedge or be maintained as a hedge and would not lend itself to normal hedge management".

"For vegetation to be a High Hedge it must first be a hedge. Consideration was given to whether any parts of the boundary vegetation could be considered to be a hedge.

There are a number of Holly trees which can readily form and be maintained as a hedge but these are several metres apart and are not considered to be a hedge. The High Hedges (Scotland) Act deals only with hedges. The vegetation in question is not a hedge and falls out with the scope of the High Hedges (Scotland) Act".

We believe that the council's definition of a high hedge has not been accurate as we have shown above that it has failed to help our situation.

Furthermore we have been told that we are unable to lodge an appeal as our vegetation has not been found to be a hedge.

As regards the fees that the council charge we think that they are not unreasonable had the council managed to resolve our issues with our neighbour.

We believe that the Act should cover situations like ours where we are now stuck with huge trees and shrubs blocking light from our property and are continuing to grow and nothing can be done about it because of the way the High Hedge definition has been interpreted.

The fact that the council's officers determined that we do not have a "hedge" has meant that we will continue to be shadowed by our neighbour's trees and shrubs forever, as a result of this we have to continually remove moss and fallen debris from our roof.

This obviously is having an adverse effect on the enjoyment of our home.

Paul Bruce