

**Local Government and Communities Committee****Post-Legislative Scrutiny of the High Hedges (Scotland) Act 2013****Submission from Sarah Chadfield**

I am writing as an individual who was involved in the campaigning for the High Hedge Act, but who is now feeling thoroughly let down by the new law. In my particular situation it is proving impotent in resolving my high hedge issue, even though the hedge in question is by definition 'high.'

Here are the problems as I see them (based on my experience with my planning department in Dumfries and Galloway):

**1. Problems with definition of a high hedge**

When I first approached planning to apply for a high hedge order, I was told the hedge was indeed over 2 metres high, and a barrier to light (it was at that time about 3 metres) but was not sufficiently over 2 metres high to warrant their attention. It had been planted in the last 2 years so was obviously juvenile but was also obviously on its way to becoming very high.

To my mind, if a bench mark is set (i.e. 2 metres) there shouldn't be a requirement to be another x amount over that bench mark.

**2. Problems with definition of loss of amenity and reasonable enjoyment**

This is crucial to the whole process, and my planning officers were unable to pin down for me just what it means. It seems to be an entirely subjective matter – the officer would come and have a look and make a decision based on his thoughts on what he saw – no objectivity seemed to come into play. There was talk of light blocking and shadow, but again no set measurements. Furthermore, there was no acknowledgement of amenity and reasonable enjoyment in a wider sense than shadow casting. No acknowledgement of the oppressive nature of a high hedge growing across an outlook.

(To put this in context, my neighbour has planted a leylandii hedge right across the full length of my lounge and patio outlook, along our boundary, which is about 10 metres from the lounge windows and 5 metres from the edge of the patio. At its current height of about 4 metres, the shadow cast by the hedge doesn't quite reach the patio.)

Is the act about shadow length etc, or are 'amenity' and 'reasonable enjoyment' looser term? To my mind, I have lost 'reasonable enjoyment' in that I now sit and look at 4 metres of hedge rather than the open panorama I had previously.

I am unable to make an informed decision as to whether this hedge should be subject to a high hedge order because I have no specific information to go on. It is 'high' and I have lost my 'reasonable enjoyment', but apparently not necessarily so in the subjective eyes of the planners.

3. **Appeals Process**

When I tried to find out the criteria used by the Appeals team to define 'reasonable enjoyment,' I was unable to find a way of speaking to anyone who might have known.

There should be more transparency in the process to enable members of the public to make informed decisions.

4. **Fees**

Given the lack of definition of reasonable enjoyment, it is a financial gamble, with £450, to apply for a high hedge notice. I should not have to make this gamble. This hedge is either breaking the law or it isn't. I should be able to ascertain that for myself. It should not be a subjective matter.

If it is to remain subjective, all fees should be dropped so that members of the public do not have to gamble, financially, in this way. Or some sort of 'no win, no fee' should be introduced.

5. **Negative impact on my life**

After much relief at the act becoming law, the act has now left me frustrated and uncertain. It is not working for me. It doesn't seem to be working for planning officers either! They seem as unclear as I am.

Sarah Chadfield