

Useful contacts

Arboricultural Advisory and Information Service (AAIS)

(A registered charity that carries out research and disseminates information to the arboricultural and forestry industries on behalf of the Government)
Alice Holt Lodge, Wrecclesham, Farnham, Surrey GU10 4LH
Tel 01420 22022 Tree Helpline 09065 161147 (calls charged at £1.50 per minute).

Arboricultural Association

(A registered charity concerned with raising the standards of tree care in the UK)
Ullenwood Court, Ullenwood, Cheltenham, Gloucestershire GL53 9QS
Tel: 01242 522152 Fax: 01242 577766
E-mail: admin@trees.org.uk Website: www.trees.org.uk

Citizens Advice Bureaux

You should find the location of your nearest office in the telephone directory
Website: <http://www.citizensadvice.org.uk/>

Community Legal Service

Helps people to find the right legal advice and there are Community Legal Service Information Points in most libraries.
Telephone: 0845 608 1122 Website: www.justask.org.uk

Mediation UK

A panel of professional mediators who are able to respond to a range of disputes
Telephone 0117 904 6661 Website: <http://www.ukmediation.net>

Borough of Basingstoke and Deane (Contact Centre)

Civic Offices, London Road, Basingstoke, Hampshire RG21 4AH
Telephone: (01256) 844844 - Fax: (01256) 845200
Website: www.basingstoke.gov.uk

Borough of Basingstoke and Deane

Neighbourhood Development (Protected trees)

Civic Offices, London Road, Basingstoke, Hampshire RG21 4AH
Telephone: (01256) 844844
Fax: (01256) 845200
Website: www.basingstoke.gov.uk
E-mail: neighbourhood.dev@basingstoke.gov.uk



*Basingstoke
and Deane*

Guide to pruning a neighbour's tree



Overhanging and Encroaching Trees

Under common law, a person may cut back any branch (or root) from a neighbour's tree that overhangs or encroaches onto their property. In cutting back any overhanging branches (or encroaching roots) the following points must be observed.

- Do not trespass onto the land on which the trees are growing.
- Do not cut back branches or roots beyond the boundary in anticipation of them overhanging.
- Any branches, fruit or roots that are removed must be carefully returned to the tree owner unless they agree otherwise.
- All work must be carried out carefully. For example, you should avoid damaging property or carrying out work that would leave the tree unsafe or dangerous to avoid any comeback against yourself.
- While not required under common law, it would be courteous to notify the tree owner of your intentions to help allay any misunderstanding.

Your common law rights are intended to allow you to carry out the minimum amount of work. If you carry out extensive works which make the tree unsafe, the tree owner may have a case against you for criminal damage. You should be especially careful if you are pruning roots. You may wish to obtain qualified arboricultural advice before carrying out any work.

If the tree owner agrees to works that are in addition to your common law rights, or if they give you permission to enter their land to undertake the work, it would be advisable to obtain their written consent.

If the trees in question are subject to a tree preservation order or are growing in a conservation area then an application (in the case of a tree preservation order) or 'Notice of Intent' (in the case of trees growing in a conservation area) may be required and the following points will apply: -

- The person intending to submit an application or notice must inform the owner of the land on which the trees are growing that an application or notice is to be made.
- The granting of consent in the case of a tree preservation order or the raising of no objection in the case of trees in a conservation area means that the tree work applied for is acceptable in arboricultural and planning terms only. **It does not give the person submitting the application or notice an automatic legal right to carry out the work.** The question of ownership is a civil rather than a planning issue and the landowner's permission must be obtained in addition to any planning approval.
- Any application or notice relates to the land on which the tree stands and, as such, the landowner may also carry out the approved works if they so wish.

Any applications or notices received are judged on their own merits. If work proposed is in excess of what would normally be permitted under common law, consent may not be granted. For example, if pruning branches back to the boundary would leave large pruning stubs or unbalance the tree, this would be considered unacceptable in arboricultural or planning terms.

Further information can be found in the following advice leaflets: -

- Leaflet 2 - Guide to Proper Pruning
- Leaflet 4 - Guide to Protected Trees

Trees growing on borough council land

If the tree overhanging your garden is growing on land managed by the borough council, you are advised to contact an arboricultural officer at the council by telephoning the contact centre, the number can be found on the last page of this leaflet.

High hedges and trees blocking light

The High Hedges Regulations 2005 apply to evergreen or semi-evergreen hedges. No maximum height is given, each case is assessed on its merits. Before making a complaint about a high hedge to the council, you need to be able to show that you have taken reasonable steps to resolve the situation yourself.

The Department of Communities and Local Government has produced a free leaflet entitled 'Over the Garden Hedge' that gives advice on how to resolve an issue with a high hedge, copies of which are available from the borough council or from Communities and Local Government Publications, Tel: 0870 122 6236 or e-mail communities@twoten.com. Currently there is no legislation that governs what deciduous trees can be planted in domestic gardens and how high they can be allowed to grow.

Visit the council's website www.basingstoke.gov.uk/planning/dc/highhedges for further advice.

Dangerous Trees

If you feel that a tree on your neighbour's land represents a danger to you and/or your property you are advised in the first instance to approach your neighbour direct. The borough council does have some limited powers under the Local Government (Miscellaneous Provisions) Act 1976 to deal with private trees that represent an imminent danger to people or property. If you do not receive a favourable response from the tree owner, you are advised to contact an arboricultural officer at the council via the contact centre who can deal with private trees using these powers.

IF YOU ARE IN DOUBT ABOUT ANY OF THESE ISSUES, YOU SHOULD SEEK INDEPENDENT LEGAL ADVICE