

## Guernsey's new high hedges law: how it will work and why it's welcome

Insights - 02/10/2017

Having any sort of problem or issue with your neighbours is stressful, and it's made all the more difficult if there are no formal procedures in place to resolve a dispute after every other attempt to reach a solution has failed. This has too often been the case for Guernsey residents affected by neighbours' overgrown hedges, but thankfully this situation changed today (2 October 2017) with the introduction of the new High Hedges (Guernsey) Law.

Anyone with experience of it knows that a high hedge can be a real blight, negatively affecting your enjoyment of your garden and your home by blocking natural light. There has been no satisfactory process to resolve this issue however, and in some cases this has resulted in bad feeling, threats and even violence between neighbours.

The new legislation will enable Guernsey residents to make a complaint to the Environment Department when a neighbouring hedge causes loss of light to their property. The formal consultation on these new proposals in early 2015 showed popular support from islanders, and its implementation will follow the passing of similar laws in England and Wales under the High Hedges part of the Anti-Social Behaviour Act 2003, and in Jersey under the High Hedges (Jersey) Law 2008.

It's important to highlight that this formal procedure is intended as a last resort only, and complainants must show evidence that they have approached their neighbour – either in person or in writing – to resolve the issue before making a complaint. For a complaint to be successful the hedge must also meet certain criteria – it must be made up mostly or entirely of evergreen or semi-evergreen trees or shrubs, it must be over two metres high and it must form a barrier to light that adversely affects reasonable enjoyment of your home and garden. To discourage frivolous complaints there is also a fee of £350, although there is a provision for two or more neighbours to join together and make a complaint each in relation to the same high hedge at a reduced fee.

The introduction of the law is a welcome step, not only because it will safeguard islanders' rights

from nuisance hedges, but also because in other places where similar laws have been introduced, the simple fact of having specific legislation in place has encouraged agreement between neighbours without the need of formal intervention. I expect Guernsey will be no different.

Of course neighbours should, and mostly do, resolve such issues without needing to resort to legal procedures, however with the new law in force, hopefully people will be that little bit more aware of the impact of the height of their hedges on neighbouring properties and act accordingly.

For Guernsey property law advice call the Ogier property team on 01481 721672 or email [gsy@ogierproperty.com](mailto:gsy@ogierproperty.com)

*This article first appeared in House and Home*

## About Ogier

Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to all our clients. We regularly win awards for the quality of our client service, our work and our people.

## Disclaimer

This client briefing has been prepared for clients and professional associates of Ogier. The information and expressions of opinion which it contains are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Regulatory information can be found under [Legal Notice](#)

## Meet the Author



Martyn Baudains

Partner

Guernsey

E: [martyn.baudains@ogier.com](mailto:martyn.baudains@ogier.com)

T: [+44 1481 752217](tel:+441481752217)

## Related Services

[Property law](#)

[Legal](#)