A self help guide to nuisance neighbours
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Introduction

There can be many different causes for neighbour disputes, from overgrown trees and high hedges to noise levels and anti-social behaviour. This booklet has been produced to help you take control of the situation enabling you to try and resolve the situation calmly and respectfully before having to take any other action which could further damage your relationship with your neighbour(s).

Experience shows that the greatest chance of resolving a neighbour dispute and ensuring a better relationship between you and your neighbour(s) in the future is if you can talk to each other at an early stage and try to see each other’s point of view, however difficult this may seem.

Often when a dispute between neighbours occurs, simply reminding them that the behaviour is not very neighbourly and is imposing on the peace or lifestyle of those living nearby will help the situation as they may not have realised that their behaviour has affected anyone. Equally, being a good neighbour also involves a degree of tolerance and understanding of the different lifestyles and needs of others.

Although this guide provides details of the agencies and services who can be contacted depending on the nature of the dispute, it is always advisable to do your best at trying to resolve problems yourself in the first instance. You may contact: the Police, your landlord, Citizens Advice Bureau (CAB), your local Mediation office, Horsham District Council (for example Environmental Health department, Planning department); or a solicitor if you feel it may be necessary. We have included useful contact details for different agencies which you will hopefully find of use.

Community Safety Unit
Horsham District Council
Anti-social behaviour occurs when someone acts in a way that could cause harassment, alarm or distress to others which could include:

- Intimidation and harassment – for example, when large groups shout and swear at passers by
- Street drinking and rowdy behaviour
- Noise nuisance
- Graffiti, vandalism and criminal damage
- Littering, fly-tipping and waste dumping
- Vehicle nuisance – such as cycling or riding mopeds on pavements

Horsham District Council have an Anti-Social Behaviour Team dedicated to investigate any of the issues above, and trying to make the community a safer and more pleasant place to live.

We are often asked whether children playing football in the street is seen as being anti-social, this is dangerous rather than anti-social and should be dealt with by the parents. If you are a parent, make sure you know where your children are at all times. Don’t be somebody who is shocked to learn that your child has been causing alarm to the community by being aware of who your child is with and what they are doing.

It is important to remember that if incidents of anti-social behaviour are not reported then things can get worse and out of control leading to other criminality.

Useful Contacts

**Anti-Social Behaviour Team**
Horsham Police Station, Hurst Road, Horsham, RH12 2DJ
Tel: 101 5 30233
Website: www.horsham.gov.uk
Email: communitysafety@horsham.gov.uk

**Sussex Police**
Horsham Police Station, Hurst Road, Horsham, RH12 2DJ
Tel: non-emergency 101
Emergency 999
Website: www.sussex.police.co.uk

**Community Safety Unit**
Horsham District Council, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL
Tel: 01403 215124
Website: www.horsham.gov.uk
Email: communitysafety@horsham.gov.uk
Environmental

Rubbish and Litter

Rubbish is considered to be the items we don’t want any more and throw in the bin, when it’s in the bin it becomes rubbish. Litter on the other hand is items that we don’t want but instead of putting them in the bin we just drop them on the floor.

In Britain dropping litter is a criminal offence. Under Section 87 of the Environmental Protection Act 1990 which was later amended by the Clean Neighbourhoods and Environment Act 2009, it is an offence to drop, throw or deposit and leave litter anywhere. The maximum fine for dropping litter is £2,500 in a court but the more likely outcome would be an on the spot fixed penalty notice of £75. Litter can refer to anything from a small crisp packet or sweet wrapper to large bags of rubbish or even an area with many items of rubbish. Often people do not consider small items such as gum or even cigarette butts to be litter but these small pieces of rubbish are often some of the most littered items on our streets. Only 25% of people admit to dropping litter but it’s a huge problem. All litter is unsightly and makes our local areas look untidy and uncared for. It can cause environmental problems as well which your council has to pay for to be cleaned up.

Dog Fouling

Dog fouling is a serious problem. There are millions of dogs in the UK and they produce thousands of tonnes of faeces every day. Dog faeces carry a worm called Toxocara. Humans can get infected with faeces carrying eggs of the parasites a direct consequence of soil or sand contamination. The parasite can last up to two years in soil or sand even after the faeces has degraded. Infection can last between 6 and 24 months and is dominant in children between 18 months and 5 years. Many infected soil samples are found in the vicinity of children’s play areas. This infection can cause blindness. The Toxocara eggs as they are not infectious until they embryonate which is 2-3 weeks meaning it is safe to pick up. Dog fouling fines can be an on the spot fine of £50 or if this is not paid a fine of up to £1,000. If you are a dog owner please go equipped with bags to clear up after your pet.
Fly Tipping

Dumped materials can vary in scale significantly from a bin bag of rubbish to large quantities of waste dumped from trucks. Fly-tipped waste may be found anywhere, such as roadsides, in laybys or on private land. Types of waste that are frequently fly tipped include general household rubbish, large domestic items such as fridges, mattresses, garden refuse and even asbestos. It is also common to find large amounts of waste from construction, demolition and excavation activities. Fly tipping fines can be up to £50,000 or 12 months in prison by a Magistrates court.

Bins and Waste Management

Each household is provided with 3 wheeled bins (general waste, recycling and garden waste) which is collected and emptied either every week or every other week. All you have to do is place it at the collection point by your house before 7am on the morning of the collection or the council will presume you don’t need it collected. There are also various Bring Banks around the district for recycling glass, newspapers and magazines, plastic bottles and cans, textiles, books and shoes free of charge. Please ensure that you are responsible and remove your bin from its collection point as soon as possible to avoid creating access problems for other neighbours.

If you witness anybody you suspect of breaking the law and creating an environmental nuisance, please call Horsham District Council’s Environmental Operation Services on the number below

Useful Contacts

Environmental Operational Services
Hop Oast Depot, Worthing Road, Horsham OR Environmental Management, Waste and Cleansing Department, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL
Tel: 01403 733144
Website: www.horsham.gov.uk

West Sussex County Council
County Hall, West Street, Chichester, West Sussex, PO19 1RQ
Tel: 01243 777100
Website: www.westsussex.gov.uk

Recycle
Website: www.recycleforwestsussex.org
Harassment

Harassment is unwanted conduct which has the effect (intentionally or unintentionally) of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This can interfere with an individual’s learning, working or social environment or induces stress, anxiety or sickness on the part of the harassed person. A harasser will usually pick on you for something that makes you different for example:

- Gender
- Race
- Disability
- Age
- Looks
- Sexual preference
- Religious beliefs
- Family
- Birth place
- Political beliefs (including union activities)

The two most common forms of harassment are sexual and racial.

Sexual harassment is any unwanted attention of a sexual nature, like remarks about your looks or personal life. Sometimes these comments sound like compliments, but they make you feel uneasy.

Examples of this are:

- Degrading words or pictures.
- Physical contact of any kind.
- Sexual demands.

And racial harassment which is the action that expresses or promotes racial hatred and stereotypes. It can be obvious or subtle. It can include:

- Spoken or written putdowns
- Gestures
- Jokes
- Other unwanted comments or acts

Harassment is an offence the penalty for which is imprisonment, fine or restraining order.

Useful Contacts

Police
Horsham Police Station, Hurst Road, Horsham, RH12 2DJ
Tel: Non-emergency 101
Emergency 999
Website: www.sussex.police.uk

Mediation Service
Park House, North Street, Horsham, RH12 1RN
Tel: 0300 200 0025
Website: wsms.org.uk
Email: info@wsms.org.uk
Noise

No home or flat is completely sound proof so we can expect a little noise from our neighbours, however sometimes this can get too much and become unbearable. Noise nuisance can include:

- Loud music
- Dogs barking
- DIY

To try and alleviate the problem you can take the following steps:

1. Approach your neighbour and politely explain the problem their noise is causing you as they may be unaware.

2. If you are in a rented property, speak to your landlord. All landlords, whether private or social, have powers to take action against tenants who are causing nuisance to their neighbours.

3. If speaking direct to your neighbour doesn’t help the situation you could think about contacting the Mediation Service, which would involve a third party who can help resolve the issue.

4. You could contact the Council’s Environmental Health Team who can also try to help in resolving issues. If a formal complaint is made, an Officer will make a full investigation, which will require some assistance from you (for example, keeping a diary of when the noise occurs and how it affects you), if the investigating Officer finds that a “statutory nuisance” is occurring, a notice will be served requiring them to stop the noise.

5. In some cases, the Council are unable to help; in those circumstances you can take your own action under Section 82 of the Environmental Protection Act 1990 in the Magistrates Court. You should seek legal advice.

Odours

Odours from commercial kitchens and businesses should be dealt with in the same way as noise. However the most frequently raised issue concerning odour is from bonfires and as such you should consider the following.

Bonfire Advice

Having a garden bonfire is likely to be seen as anti-social by many residents.

Bonfires can be both anti-social and harmful to the environment by producing pollutants which can be damaging to human health.

Rather than having a bonfire to get rid of rubbish, below is a list of alternatives:
● Request a subsidised garden composter by calling Horsham District Council on 01403 733144
● Use your amenity site to recycle and dispose of waste – either the West Sussex County Council site at Hop Oast, Worthing Road, Horsham or call 01403 733144 to enquire where your nearest mobile site is.
● Hire a skip for bulk refuse
● Use green waste bin provided by Horsham District Council

Useful Contacts

Mediation Service
Park House, North Street, Horsham, RH12 1RN
Tel: 0300 200 0025
Website: wsms.org.uk
Email: info@wsms.org.uk

Environmental Health and Licensing Department
Horsham District Council, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL
Tel: 01403 215200
Website: www.horsham.gov.uk
Email: publichealth.licensing@horsham.gov.uk

DEFRA
Department for Environment, Food and Rural Affairs
Nobel House, 17 Smith Square, London, SW1P 3JR
Tel: 03459 335577
Email: defra.helpline@defra.gsi.gov.uk
Website: www.defra.gov.uk
Parking rules can vary greatly from place to place. This is because the local authority for that area determines what is and isn’t a parking violation and this can lead to different rules for different areas.

Any person parking in a disabled parking bay must meet the following criteria:

- have a Blue Badge (Disabled Parking Badge).
- They must be a car owner/driver, or live with a car owner/driver.
- have no alternative place to park their vehicle for example garage and/or driveway.
- complete an application form sent out by Area Highways Office. If criteria meet then order will be raised with contractor to mark bay.
- most disabled bay markings are ‘Advisory only’ and are provided free of charge outside applicant’s property.
- ABUSE OF ‘Advisory Only’ disabled bay markings can’t be enforced.
- Disabled Bay markings within Controlled Parking Zones are mandatory.

Parking outside your home

Etiquette, good manners and common sense are the main ingredients in avoiding parking disputes with your neighbours. Most people would choose to park outside their own home anyway because of the convenience but what if you have more than one vehicle belonging to a single property and there are no driveways or you have a driveway but there is only enough room for one car?

Generally a person will want to park outside their own home. If someone parks outside your home and are not breaking the law, the only remedy is to have a friendly word with the driver and explain to them why you’d prefer to park in front of your own house. They may not know it is your house or know it bothered you. But you must remember that you have no power by law to force them to move.

Parking directly in front of someone’s driveway

If you find yourself with someone blocking your driveway so that you are not able to get in or out, as annoying as this may be, it is not breaking the law. The Highway Code states that you must not park causing an obstruction to other pedestrians or road users but does not make it an offence to block a driveway if such an obstruction is not caused.

You MUST NOT stop or park on:

- A pedestrian crossing, including the area marked by the zigzag lines.
- A clearway.
- Taxi bays as indicated by upright signs and markings.
- An urban clearway within its hours of operation, even when a broken white line is on your side of the road, except to pick up or set down passengers.
- A road marked with double white lines, except to pick up or set down passengers.
- A tram or cycle lane during its period of operation.
- A cycle track.
- Red lines, in the case of specially designated 'red routes', unless otherwise indicated by signs.

**Useful Contacts**

**Parking Services**
Horsham District Council, Parkside, Chart Way, Horsham,
West Sussex, RH12 1RL
Tel: 01403 215100 (reception)
Website: www.horsham.gov.uk
Email: parking@horsham.gov.uk

**Sussex Police**
(for Parking obstructions on the highway)
Horsham Police Station
Hurst Road
Horsham
West Sussex, RH12 2DJ
Tel: Non-emergency 101
Emergency: 999
Website: www.sussex-police.co.uk
Planning

The planning system is used to control development. The system helps to plan what the District needs and also makes sure that it is sustainable and will not damage the environment.

There are four teams within the department— the administration team (who are the first point of contact); Development Management North (who deal with planning applications in the North of the District); Development Management South (who deal with planning applications in the South of the District); and the Compliance Team who deal with the investigation of alleged breaches of planning control.

There is also a landscape and design, conservation and arboricultural section with the Department who deal with serving, confirming and administering Tree Preservation Orders; assisting and advising the Planning Team regarding trees which are on a development site; determining applications for works to protected trees; and advising the public with regard to protected trees. This team does not deal with Council owned or highway trees owned by West Sussex County Council. The Tree Section also deals with High Hedge complaints.

Trees and High Hedges

Trees and high hedges can often get to a stage where they are overgrown and obstruct light and views. In regards to the abatement of what you might consider a nuisance, the two matters are treated differently.

Trees

If you have a protected tree in your garden, consent will be needed from the Council to trim or remove it. The forms for this are available online at www.horsham.gov.uk, following the links through Planning; tree preservation orders. The form is at the bottom of the page. To find out whether trees are protected, please contact our Arboricultural Section on 01403 215515 or email trees@horsham.gov.uk.

If your neighbours trees are too large and causing you a nuisance, save for asking them to trim them, there is no available recourse other than taking out your own legal action. You should always consult your Solicitor before instigating such a serious step.

If branches overhang your boundary from your neighbours trees, under Common Law there is a general right to trim them back to the boundary.

However:

- You must advise them first;
- Whatever you remove you must offer back to
them; and, most importantly,

- The law gives you no right to seriously harm the tree.
- Remember also that the right does not override any formal protection on the tree, such as a Tree Preservation Order.
- Trees outside your house, on the highway edge, are likely to be owned and managed by West Sussex County Council Highways network, who should be contacted directly.

**Hedges**

If you feel that your neighbours hedge is too tall, you should always in the first instance contact them to discuss the matter. Though you have rights under Common Law to trim back your side, you normally have no rights to trim its height, and could be charged with criminal damage if you carry out such works yourself.

A 2m high hedge, within urban areas, is usually recommended as a reasonable height to prevent you being overlooked.

Some hedges may be under a restriction to do with an outstanding planning permission; you will need to contact the Council to investigate this.

Some hedges may be under a restrictive covenant; the details of this should be contained within your deeds.

It is against the law to disturb birds’ nests within the nesting season, which is from 1st March - 31st July. It is therefore important that you check the hedge before carrying out any trimming works. Should you be unable to come to an agreement with your neighbour over the height of a hedge, even following mediation, in certain cases you may be able to use the ‘High Hedge’ legislation.

**The ‘High Hedge’ Legislation**

The legislation provides that, as a last resort, you can complain to the Council about a neighbours hedge should you feel it is causing you a nuisance. However, the Council charge a non-refundable fee for this service (presently £300), so you may need to consider this action most carefully before proceeding. Please contact the High Hedge officer on 01403 215515 for further advice on this.

The Council cannot register your complaint unless you can provide evidence that it is a last resort - you have tried to negotiate with your neighbour but have failed to reach an agreement.

The legislation applies ONLY to evergreen or semi-evergreen hedges, and does NOT refer to individual trees.

The hedge must be over 2m tall.

There is no guarantee either of getting the result you want (action to lower the height of the hedge) or that, even if judgement is found in your favour, that the Council will require the hedge to be cut to a level which you are satisfied with.

**Useful Contacts**

**Trees and Woodlands owned by Horsham District Council**
Horsham District Council, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL
Tel: 01403 215291
www.horsham.gov.uk

**Privately owned trees**
Horsham District Council, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL
Tel: 01403 215515
www.horsham.gov.uk
High Hedges
Horsham District Council, Parkside, Chart Way,
Horsham, West Sussex. RH12 1RL
Tel: 01403 215515
www.horsham.gov.uk

West Sussex County Council
County Hall, West Street, Chichester,
West Sussex. PO19 1RQ
Tel: 01243 642105 (Highway trees and hedges)
www.westsussex.gov.uk

Building Control

The Building Control department ensures that minimum standards of construction are achieved to safeguard the health and safety of people in and around buildings. The department is also responsible for the control of demolitions, dangerous structures and access for the disabled. Alterations to buildings may need to be approved - check first.

Useful Contacts

Planning Department
Horsham District Council, Parkside, Chart Way,
Horsham, West Sussex. RH12 1RL
Tel: 01403 215187
Website: www.horsham.gov.uk
Email: planning@horsham.gov.uk

Building Control
Horsham District Council, Parkside, Chart Way,
Horsham, West Sussex. RH12 1RL
Tel: 01403 215151
Website: www.horsham.gov.uk
Email: building.control@horsham.gov.uk

A full guide to Planning and Building Control can be found at www.planningportal.co.uk
No house is fully burglar proof or as secure as it could be. We are always at the risk of being burgled. More and more people are installing devices to protect themselves, however these can themselves cause problems.

**Intruder Alarms**

The good points of an intruder alarm are:

- They help deter burglars
- They protect property from theft and damage
- They reduce insurance costs

If they go wrong then:

- It is obvious to a potential intruder that the premises are unoccupied
- Neighbours suffer disturbance or noise nuisance for a considerable period

If the council receives a nuisance complaint it may:

- Serve a notice on the occupier of the property
- Obtain a warrant to enter the property and disconnect the alarm to stop the nuisance
- Recover its costs for disconnecting the alarm, which may be substantial, from the occupier of the property
- Prosecute offenders for repeated offences through the magistrates court which may lead to a maximum fine of £5,000 for a private householder or £20,000 for businesses

When installing an alarm make sure:

- It meets relevant British standards
- You have it regularly serviced and properly maintained by a reputable contractor
- A suitable device is fitted to stop the alarm sounding after 20 minutes
- You appoint two key holders for the property, preferably people who live within hearing distance of the alarm and who can attend within 20 minutes
- That key holders know when you will be away and that they tell you when they will be away, too

**Security Lights**

Artificial light is essential in our modern society. It has many uses including illumination of streets, roads and for use of outdoor sports and recreation facilities, and to enhance the appearance of buildings at night. The increased use of lighting, however, can cause problems. Light in the wrong place at the wrong time can be intrusive. There has been an increase in complaints about light to local authorities in recent years.
This part of the leaflet looks at the different aspects of light pollution, explains the steps that can be taken to reduce it and describes what you can do if faced with the problem of pollution from light.

What is Light Pollution

- Light pollution is probably best described as artificial light that is allowed to illuminate, or pollute, areas not intended to be lit.
- Intrusive light of overly bright or poorly directed lights onto neighbouring property, affecting the neighbours right to enjoy their property. An example would be an inconsiderately directed security light shining into a bedroom window.

Before going to the expense and effort of installing lighting a few simple questions should be asked:

- Is lighting necessary?
- Could safety or security be achieved by other measures, such as segregation or screening of an area?
- Do the lights have to be on all night?
- If lighting is the best option then only the right amount of light for task should be installed. Lighting will then only become a problem if it is poorly designed or incorrectly installed.

The best method of dealing with light pollution is at the planning stage. This is an ideal time to influence the design or installation of lighting schemes. However, not all developments require planning consent. Those that do are developments or which involve making material changes to existing buildings or land.

Local authorities receiving complaints about artificial light emitted from certain premises, such as domestic and commercial security lights, can assess whether the light is a nuisance under the Environmental Protection Act 1990. Civil action can also be taken by an individual to tackle a lighting problem, if it can be proved that a nuisance exists. A nuisance can be caused when there is interference with an individual’s use and enjoyment of his or her property.

What can you do:

- First approach the owner of the lighting. Often the remedy is quite simple. A minor adjustment may be all that is required. Or maybe an agreement about when lights should be turned on or off.
- Next, if the owner of the lighting is unwilling to remedy the situation to your satisfaction, contact Horsham District Council’s Environmental Health Team, who will investigate your complaint and if they decide that the light is a nuisance have powers to serve an abatement notice. If the offender fails to comply with the notice proceedings can be taken in the Magistrates’ Court.
- Also at Horsham District Council, the planning officer dealing with applications will consider the impacts of developments before they happen. If you have concerns about proposals causing light pollution on proposed development, contact Horsham District Council’s planning department.
- Disputes can often be resolved informally. Many areas have mediation services who can help you resolve disputes with owners of neighbouring properties. This will prove quicker and cheaper than legal action.
In more serious cases you may wish to contact a solicitor to find out what action may be appropriate to deal with your complaint.

Useful Contacts

Sussex Police
Crime Prevention Officer, Tel: 101

Mediation Service
Park House, North Street, Horsham, RH12 1RN
Tel: 0300 200 0025
Website: wsms.org.uk
Email: info@wsms.org.uk

Planning Department
Horsham District Council, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL
Tel: 01403 215187 or 01403 215151
Website: www.horsham.gov.uk
Email: planning@horsham.gov.uk

Environmental Health and Licensing
Horsham District Council, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL
Tel: 01403 215100 or 01403 215609 (Noise and Pollution Control)
Website: www.horsham.gov.uk
Email: publichealth.licensing@horsham.gov.uk

Community Safety Team
Horsham District Council, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL
Tel: 01403 215124  Website: www.horsham.gov.uk
Email: communitysafety@horsham.gov.uk

CCTV (Closed Circuit Television)

CCTV cameras are found in all major cities for people’s protection and to help secure buildings. CCTV is the use of video cameras to transmit a signal to a specific place, on a limited set of monitors.

CCTV recordings in private homes should only cover the boundary of the property that is being protected. Cameras should not point into other peoples homes or gardens.

The disclosure of pictures:

- You have the right to see CCTV images of you and to ask for a copy of them. The organisation or household must provide them within 40 calendar days of your request, but you may be asked to pay up to £10 which the maximum amount is and set my Parliament.

- CCTV operators are not allowed to disclose images of identifiable people to the media - or to put them on the internet - for entertainment.

- An organization may need to disclose CCTV images for legal reasons - for example, crime detection. Once they have given the images to another organization, then that organization must adhere to the Data Protection Act in their handling of the images.
As the cost of CCTV equipment has dropped significantly in recent years, many homeowners are now readily looking to install security cameras, albeit for a wide variety of reasons.

So what are the main motivations for installing home surveillance cameras?

- To improve general safety in the home and around the property, through remote monitoring inside the home.
- To address specific issues of Anti Social Behaviour (ASB), including physical / criminal damage and harassment, often caused by difficult neighbours.
- To obtain evidential quality images of suspects involved in criminal activity, in or around the property.
- To provide irrefutable evidence, suitable for countering malicious accusations of ASB.
- As a low cost method of keeping an eye on children and pets.

When there have been incidents of criminal damage or Anti Social Behaviour, particularly if it is thought to involve a Neighbour from Hell, then it is generally best to use hidden cameras as although a visible one will act as a deterrent for a short time it will not catch them in activity to stop them in the future.

It could be a good idea to talk to your neighbours about setting up your cameras as they might want to share a system with you, which would cut the costs.

Useful Contacts

Community Safety Team
Horsham District Council, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL
Tel: 01403 215124
Website: www.horsham.gov.uk
Email: communitysafety@horsham.gov.uk

Part 4 of the Data Protection Act 1998 covers domestic use and this can be viewed in more detail at: www.legislation.gov.uk