

Trees – What is the law?

Trees are an important part of our local environment and provide us with a variety of benefits that improve our quality of life. Most people agree that trees are a good thing, however they can sometimes create problems where they overhang boundaries, block light, or cause damage to property - Often disputes arise because trees grow!!

So what is the law and what can you do? Below is a short guide on some of the common issues:

TREE PRESERVATION ORDERS (TPO'S)

Important trees in the landscape are often protected for public enjoyment and it is against the law to wilfully cut down, top, lop or destroy or damage a tree that is either protected by a **Tree Preservation Order (TPO)** or in a Conservation Area – if you are not sure, always contact the Council to check before you arrange to do any work to trees – normally the Council will grant permission for works provided they are in line with good practice and do not affect the future health or amenity value of the trees. The Council can also advise on employing a suitable tree work contractor – Please contact us on (01642) 528207 if you need to find out about **Tree Preservation Orders**.

OVER HANGING BRANCHES

Under English Common Law there is a general right to cut overhanging branches back to your property boundary, however the owner of the tree is not usually obliged to cut them back – if you intend to cut overhanging branches you must not go beyond your boundary or 'top' someone else's trees without their permission and you should normally return the branches unless you agree beforehand to dispose of them yourself.

It is always best to discuss any proposed work with your neighbour first to avoid any later claims of damage – you might even manage to get their help or agreement to remove more than you're entitled to.

Please Note: If the tree is protected by a Tree Preservation Order (TPO) or in a Conservation area you will need to apply for written permission from the Council before you do any work.

LOSS OF LIGHT

There is no absolute right to light or to a view, therefore you would normally need to negotiate with your neighbour about managing their trees. In extreme cases it is possible to apply to a magistrates court for an injunction to control or restrict the growth of trees however this requires specialist legal advice and only applies in limited circumstances – there is also no specific law on how tall trees are allowed to grow and cases for loss of light normally only apply to windows in buildings not gardens (see also 'high hedges' below).

DANGEROUS TREES

Every tree owner has a general duty of care to ensure their trees do not pose an unacceptable risk to other people on or adjacent to their land – you will however only be liable for injury or damage caused by trees if you are found

to be negligent in some way e.g. by not taking reasonable care to inspect them or undertake essential work such as removing deadwood that could easily be seen to be hazardous etc.

FALLING LEAVES, FRUIT/FLOWERS, DEBRIS

Although they can cause a lot of inconvenience, falling leaves & debris are not regarded as a 'nuisance' in the legal sense and a tree owner has no obligation to clear them – it is normally up to each landowner whether they own a tree or not to undertake their own 'property maintenance' if for example, they need to clear paths or gutters.

HIGH HEDGES / CONIFERS (Leylandii)

This relates to evergreen or semi evergreen hedges only, not ordinary deciduous trees. It is sometimes possible to apply for enforcement action from the Council to restrict the growth of a neighbour's hedge if it exceeds a certain height in relation to its distance from a property. There are specific criteria for doing this and also a cost – Stockton Council's Planning Enforcement section manage this function and can give further guidance.

Tel: (01642) 526058

TREE ROOTS & DAMAGE TO PROPERTY

If a tree is found to be causing damage to a neighbouring property it is classed as a legal nuisance and the tree owner would normally be liable for the associated costs of any loss or damage. In the event of any form of damage it is advised that you notify your neighbour and also contact your property insurers for further advice – they can often investigate and deal with the issue on your behalf.

TV & SATELLITE RECEPTION

TV interference can be caused by trees however there is no legal right to TV reception. We recommend you consult a television engineer to assess your aerial/signal.

If you would like further advice about any of these issues or information on how the Council manages trees please contact the Arboricultural section on Tel: (01642) 524593 or 526874, you can also visit our web site.

www.stockton.gov.uk/countrysideandgreenspace