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Advice

The law and garden hedges

Spare a thought for your neighbours when planning a hedge. Hedges are the cause of many disagreements between neighbours. These often relate to the size and tidiness of the hedge, and about cutting the hedge, particularly in the breeding season.

We recommend that cutting hedges and trees is avoided between March and August as this is the main breeding season for nesting birds.

Nesting birds

It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It will be an intentional act, for example, if you or your neighbour know there is an active nest in the hedge and still cut the hedge, damaging or destroying the nest in the process.



A joint responsibility

A boundary hedge is usually the joint responsibility of both neighbours. Both must agree on major work, including removal, coppicing or laying.

In theory, you need your neighbours' agreement even before trimming the hedge. If the hedge is just inside your neighbours' garden, they own it; you only have the right to trim any part that encroaches over your boundary line. Your neighbour should ask for your permission for access to trim the hedge on your property.

Regardless of ownership, no-one can trim or cut a hedge if the action damages active birds' nests, and hence violates the Wildlife and Countryside Act. If tall hedges or trees put your garden in the shade, you can cut off branches that overhang your boundary.

You can also prune back roots that that invade your property, even if this is detrimental to the plant. You do not have the right to cut down vegetation on your neighbours' property, or apply weedkiller to destroy the plants.

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Planting and maintaining a hedge