

NORTHERN IRELAND VALUATION TRIBUNAL
THE HIGH HEDGES ACT (NI) 2011 AND THE VALUATION TRIBUNAL RULES
(NORTHERN IRELAND) 2007 (AS AMENDED)

CASE REFERENCE NUMBER NIVT 40/24E

CHERYL EGRIKULA – APPELLANT

AND

BELFAST CITY COUNCIL – RESPONDENT

Northern Ireland Valuation Tribunal

Chairman: Mr Charles O'Neill

Member: Mr Richard McLaughlin MRICS

Date of hearing: 23 February 2026

DECISION

1. The unanimous decision of the tribunal, for the reasons stated below, is that the Appellant's appeal against the decision of the Respondent to issue a remedial notice is partly upheld and that the remedial notice is varied as indicated in this decision.

REASONS

2. This is an appeal under section 7 of the High Hedges Act (NI) 2011 (the 2011 Act) against a remedial notice issued by the Respondent dated 30 October 2024.
3. This appeal arises from a complaint about what is stated to be a high hedge situated upon property at 632 Old Park Road, Belfast (the subject property). The owner of the hedge is the Appellant. The Respondent on foot of a complaint made on the Respondent's high hedges complaint form, investigated the matter and accepted the matter as a high hedges complaint. This included attendance on site to conduct a site survey.
4. The Respondent took measurements and made calculations in accordance with the High Hedges Act (NI) Technical Guidance (the technical guidance) issued by the then Department of Environment to establish the action hedge height. Measurements were taken and an initial assessment was made both in relation to the loss of light to the garden and the loss of light to the window.

5. The council issued a remedial notice on 30 October 2024 noting that the matter involved a high hedge within the definition in the legislation. It decided that the action hedge height was such that remedial action was needed.
6. The remedial notice required the hedge owner to reduce the height of the hedge to not more than 8 metres above ground level and a further reduction of 0.5 metres allowing a growing margin to forestall further problems in the short term. The notice was stated to take effect on 30 November 2024, and the requirement was that the notice be complied with in full by 6 January 2024.
7. The compliance date on the remedial notice is clearly incorrect in that it refers to 6 January 2024 and should the tribunal assumes be 6 January 2025. In light of the fact that there is the possibility of criminal sanctions for non-compliance with a remedial notice (in section 10(1) of the High Hedges Act (NI) 2011) the council should be careful to include appropriate dates in the remedial notice.
8. The Appellant appealed against this decision to this tribunal by notice dated 18 November 2024. The completed appeal and the requisite fee needed to perfect the appeal was received by the tribunal on 9 January 2025. By order of the tribunal dated 16 January 2025 time was extended for the Appellant to deliver the notice of appeal to 9 January 2025.

The law

9. The legislation relating to high hedges is set out in the 2011 Act which includes a definition a high hedge as follows:
 - 2(1) in this Act “high hedge” means so much of a barrier to light as-
 - (a) Is formed wholly or predominantly by a line of two or more evergreens; and
 - (b) Rises to a height of more than two metres above ground level.
 - (2) For the purposes of subsection (1) a line of evergreens is not to be regarded as forming a barrier to light if the existence of gaps significantly affects its overall effect as such a barrier at heights of more than two metres above ground level.
 - (3) In this section “evergreen” means an evergreen tree or shrub or a semi-evergreen tree or shrub.
 - (4) But nothing in this Act applies to trees which are growing on land of 0.2 hectares or more in areas which is forest or woodland.

In section 3 of the 2011 Act the procedure for dealing with complaints is set out:

- 3(1) This section has effect where a complaint to which this Act applies—
 - (a) is made to the council; and
 - (b) is accompanied by such fee (if any) as the council may determine.

(2) If the council considers—

(a) that the complainant has not taken all reasonable steps to resolve the matters complained of without proceeding by way of such a complaint to the council, or

(b) that the complaint is frivolous or vexatious, the council may decide that the complaint should not be proceeded with.

(3) If the council does not so decide, it must decide—

(a) whether the height of the high hedge specified in the complaint is adversely affecting the complainant's reasonable enjoyment of the domestic property so specified; and

(b) if so, what action (if any) should be taken in relation to that hedge, in pursuance of a remedial notice under section 5, with a view to remedying the adverse effect or preventing its recurrence.

(4) If the council decides under subsection (3) that action should be taken as mentioned in paragraph (b) of that subsection, it must as soon as is reasonably practicable—

(a) issue a remedial notice under section 5 implementing its decision;

(b) send a copy of that notice to the following persons, namely—

(i) every complainant; and

(ii) every owner and every occupier of the neighbouring land; and

(c) notify each of those persons of the reasons for its decision.

(5) If the council—

(a) decides that the complaint should not be proceeded with, or

(b) decides either or both of the issues specified in subsection (3) otherwise than in the complainant's favour, it must as soon as is reasonably practicable notify the appropriate person or persons of any such decision and of the council's reasons for it.

(6) For the purposes of subsection (5)—

(a) every complainant is an appropriate person in relation to a decision falling within paragraph (a) or (b) of that subsection; and

(b) every owner and every occupier of the neighbouring land is an appropriate person in relation to a decision falling within paragraph (b) of that subsection.

10. The Valuation Tribunal Rules provide in 5D

An appeal under section 7(1) of the 2011 Act may be made on either of the following grounds –

(a) That the height of the hedge specified in the remedial notice is not adversely affecting the complainant's reasonable enjoyment of the domestic property so specified;

(b) That the initial action specified in the remedial notice is insufficient to remedy the adverse effect;

(c) That the initial action specified in the remedial notice exceeds what is necessary or appropriate to remedy the adverse effect; and

(d) That the period specified in the remedial notice for taking the initial action so specified is not what should reasonably be allowed.

The evidence before the tribunal

11. The tribunal had before it the case file from the Council and detailed submissions from the Appellant. The tribunal took all these submissions into account in arriving at its decision.

12. The Valuation Member of the tribunal carried out a site inspection and prepared a report for the tribunal.

The Council measurements and conclusions

13. On foot of the complaint an officer of the Council attended the property and took various measurements of the hedge and the area affected by it.

14. The council made the following measurements

Garden	Area of the garden	92m
	Effective hedge length	6.8m
	Effective garden depth	13.53m
	Orientation compass factor	NW
	Orientation factor	0.5
	Uncorrected hedge height	6.76m
	Distance hedge to reference point	4.51m
	Corrected action hedge height for garden	6.76m

Windows	Closest distance from hedge to centre of window	10.9m
	Factor re location of hedge re window	1.5
	Uncorrected hedge height for windows	8.27m
	Corrected action hedge height for windows	8.27m
Overall action hedge height		6.76m

15. The council issued a remedial notice requiring the Appellant to reduce the height of the trees which make up the hedge to not more than 8 metres above ground level and a reduction of 0.5 metres, allowing a growing margin.
16. The council, in its notice of decision, stated that the reduction to the hedge height as indicted in the technical guidance (6.76 metres) would involve a substantial reduction of its current height which would in the opinion of the council be detrimental to the continued health and condition of the hedge. Therefore this action is not recommended, however the council recommended a reduction of the hedge which would also involve a significant reduction of its current height but will not, in the council's view have a significant negative impact on the continued health and condition of the trees which make up the hedge and would not restrict any action being taken to reduce the hedge.
17. The council acknowledged that the works recommended in the remedial notice would not wholly remedy the issues involved in the complaint, but they could not recommend action which would be detrimental to the health and condition of the hedge. It did confirm that the recommendations would not adversely affect the general character and amenity of the neighbourhood. On balance the council believed that the harm caused by the hedge outweighs other factors and that remedial action is justified.
18. The notice is issued by the Council's Woodland officer in the High Hedges Section. It does not state his qualifications.

The appeal and submissions by the Appellant

19. The Appellant issued a notice of appeal to the Valuation Tribunal dated 18 November 2024.
- The grounds of appeal set out in the notice are as follows:
- (a) That the remedial notice exceeds what is necessary or appropriate to remedy the adverse effect of the hedge and
 - (b) That the height of the hedge is not adversely affecting the complainant's reasonable enjoyment of their property.

20. The Appellant also states that she has measured the distance from the hedge to her windows as 12.4 metres rather than the 10.9 metres as measured by the council.

21. The Appellant also states that there is not a continuous hedge up to the boundary between her home and that of the complainant.

22. The Appellant also states that the reduction of the hedge would be detrimental to the health of the trees and would also change their pyramidal/conical shape. She indicated that she was seeking input from an ecologist as to whether there are protected species in the tree. However, in the event, the Appellant has not submitted any expert evidence in relation to this matter.

23. The Appellant did state that she would be willing to take 4 metres off the trees as this would not affect the trees badly and would keep their pyramid shape.

The Valuation Tribunal Member's calculations

24. The Valuation member of the tribunal conducted a site inspection of the property on 23 October 2025. He noted that the hedge consisted of 5 Lawson Cypress trees, one with a double stem. He further noted slight differences in the area of the garden (95.35m) and the effective hedge length of 5.84m. His calculations were as follows

Garden	Area of the garden	95.35m
	Effective hedge length	5.84m
	Effective garden depth	16.33m
	Orientation compass factor	SSW
	Orientation factor	0.25
	Uncorrected hedge height	4.08m
	Distance hedge to reference point	5.44m
	Corrected action hedge height for garden	4.08m
Windows	Closest distance from hedge to centre of window	9.22m
	Factor re location of hedge re window	1
	Uncorrected hedge height for windows	10.22m
	Corrected action hedge height for windows	10.22m
Overall action hedge height		4.08m

25. The Valuation Member's calculations differ from those of the council, mainly relating to the compass direction of the hedge from the garden.

The tribunal's consideration of the matter

26. As is prescribed in the legislation this matter was considered based on written representations. The matter was heard on 23 February 2026.
27. The Valuation Member conducted a site visit attending the subject property and found that the trees He noted that the hedge consisted of 5 Lawson Cypress trees, one with a double stem. Therefore, the tribunal is satisfied that the hedge is a high hedge for the purposes of the 2001 Act.
28. The calculations of the Valuation Member of the tribunal carried out in accordance with the technical guidance differ substantially from those carried out by the council, the council finding the action hedge height to be 6.76 metres and the Valuation Member finding it to be 4.08 metres.
29. However, it is acknowledged that in the particular circumstances of this case there is a difference between the orientation factor in relation to the compass direction of the hedge from the garden as determined by the council and by the Valuation Member of the tribunal.
30. When the council carried out its calculations it considered that to use the calculations in the technical guidance, it considered that the this was not recommended as it would be detrimental to the continued health and condition of the hedge. In the event it issued a remedial notice requiring the Appellant to reduce the height of the hedge to not more than 8 metres.
31. The tribunal notes that there appears to be a lack of expert evidence in relation to this case. The Respondent's evidence is based on that of a council officer stated to be a woodland officer. However, it does not give any indication of his qualifications in relation to this area. Also, the Appellant stated that she was seeking input from an ecologist. However, in the event she has not submitted any expert evidence in relation to this either.
32. In the light of this the tribunal does not agree that the action hedge height should be such as to require the Appellant to reduce the height of the hedge to not more than 8 metres but to 6.76 metres (which is to be rounded to 7 metres).
33. Therefore, the tribunal will order that the remedial notice be amended to require the Appellant to reduce the height of the hedge to 7 metres. This will not involve the removal of the hedge.
34. In relation to the Appellant's submission in relation to her desire to keep the pyramid shape of the trees, this is not something of itself that is to be taken into account as to

whether the hedge is affecting the complainant's reasonable enjoyment of their domestic property.

35. In view of the nesting season as being between 1 March and 31 August in any given year, account of this will be taken in the timeframe within which the remedial notice has to be complied with.

Conclusion

36. For the reasons stated above, the tribunal concludes that it is appropriate that the remedial notice issued by the council be varied to provide that the Appellant reduce the height of the hedge to 7 metres. The action required in the amended remedial notice is to be carried out before 31 October 2026.
37. As the tribunal is permitted by the 2011 Act, section 8 (2) (a), to vary the requirements of a Remedial Notice under these circumstances, the tribunal Orders as follows in respect of the Remedial Notice (which is otherwise valid and subsisting, save as herein varied):

The date of the Remedial Notice shall be 2 June 2026.

3. INITIAL ACTION

The Tribunal requires the following steps to be taken in relation to the hedge specified in paragraph 2 of the Remedial Notice before the end of the period specified in paragraph 4 below:

The hedge shall be reduced in height to no greater than 7 metres above ground level.

PREVENTATIVE ACTION

Following the end of the period specified in paragraph 4 below, the tribunal requires the following steps to be taken in relation to the hedge:

Maintain the hedge so that at no time does the top height of the hedge exceed 7 metres (measured as foregoing).

INFORMATIVE

It is recommended that the hedge is cut back as appropriate and necessary to ensure that it leaves sufficient room for the hedge to re-grow between trimmings and still not exceed the specified height of 7 metres.

4. TIME FOR COMPLIANCE

The notice should be complied with in full by 31 October 2026.

WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 2 June 2026.

Date of amended Remedial Notice 2 June 2026

38. With these stated amendments made to the original Remedial Notice and deemed incorporated therein as a consequence of the Order of the tribunal in this decision, this disposes of the appeal and the tribunal Orders accordingly.

Signed: Charles O'Neill

Northern Ireland Valuation Tribunal

Date recorded in register and issued to the parties: 2 June 2026