

Tree ownership and responsibilities



Basingstoke
and Deane

Tree ownership and responsibilities

If you have a tree growing on your land, then you are responsible for maintaining the tree and you must take reasonable care to ensure that it does not pose a threat to people or property. If you live close to a tree that is not on your land, then you have common law rights to prune back overhanging branches.

Managing your tree

If a tree is growing on your land then you may be liable if it causes damage to your neighbour's property. There is no restriction to a height that a tree can grow and it is important to remember that just because a tree is tall doesn't necessarily make it dangerous.

It is advisable to occasionally have your tree inspected and the Arboricultural Association holds a list of independently approved tree consultants who would be able to do this on your behalf.

Neighbouring trees

If you are concerned about a tree growing adjacent to your land, then you should in the first instance raise your concerns with your neighbour. A tree owner is not obliged to prevent branches and roots from spreading across boundaries. However, you may prune these if they encroach into or over your garden as long as you note the following:

- Do not trespass onto the land on which the trees are growing.
- Do not cut back branches or roots beyond the boundary.
- Any branches, fruit or roots that are removed must be offered back to the tree owner.
- You should avoid damaging property or carrying out work that would leave the tree unsafe or dangerous. If you are unsure, you should obtain qualified arboricultural advice before proceeding.
- While not required under common law, it would be courteous to notify the tree owner beforehand.

High hedges and trees blocking light

There is legislation to prevent excessive shade cast by evergreen or semi-evergreen hedges. No maximum height is given and each case is assessed on its merits. Before making a complaint about a high hedge to the council, you need to be able to show that you have taken reasonable steps to resolve the situation yourself.

Currently there is no legislation that governs which deciduous trees can be planted in domestic gardens and how high they can be allowed to grow. More information can be found at

www.basingstoke.gov.uk/hedges

Tree root damage

Tree roots can cause damage either directly, by root growth pushing up walls and driveways, or indirectly by causing foundations to move in a process known as subsidence. More information can be found in our leaflet entitled “Trees and subsidence”.

What if the tree is protected?

Regardless of ownership, if the tree is subject to a tree preservation order or is growing in a conservation area then an application may be required. Either the tree owner or a neighbour can make an application. Please read our leaflet entitled “Protected Trees” for more information.

If the tree is growing on council-owned land then you should contact us.

More information can be found on our website at
www.basingstoke.gov.uk/counciltrees

Where can I get more help?

The Arboricultural Association has a list of independently approved arboriculturists who can advise you on tree maintenance. They have a website at www.trees.org.uk or you can contact them by telephoning 01242 522152.

If you would like to enquire about a council-owned tree or to find out if a tree is protected, you should contact us by emailing communityservices@basingstoke.gov.uk or telephone 01256 844 844.

www.basingstoke.gov.uk | 01256 844844

customer.service@basingstoke.gov.uk

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