Your neighbour's tree.

A simple guide to tree disputes in Scotland

Overhanging branches, roots, high hedges and blocked light cause many neighbour disputes. This guide explains the general rules in Scotland and how to resolve common problems.

1 Talk to your neighbour first

Most tree problems are best solved with a friendly conversation. Explain what is bothering you, suggest what you would like done and agree who will pay. If you cut back branches yourself, offer them the cuttings. If talking does not work, write to them and keep copies.

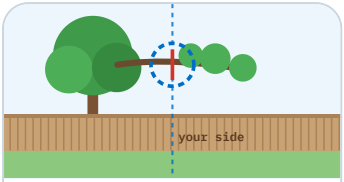
2 Is the tree protected?

Check with your council before any work, even on branches over your side. Nesting birds and bats are protected too.

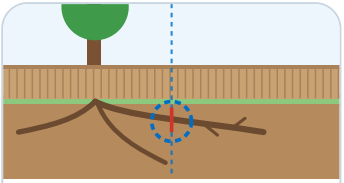
Tree Preservation Order
Written consent from the council for any cutting

Conservation Area
Six weeks' notice to the council for trees over 75 mm stem diameter at 1.5 m above ground level

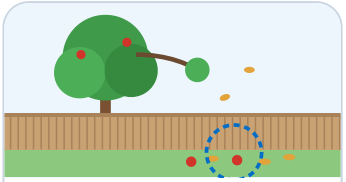
3 Common questions



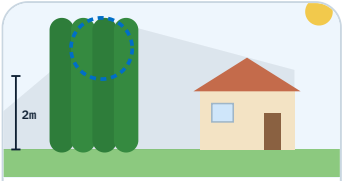
Can I cut overhanging branches?
Yes, to the boundary and from your side, but keep it reasonable. If you damage the tree, you could be liable.



Can I cut roots from their tree?
Yes, to the boundary, but cutting large roots can make a tree unstable. If it then falls, you could be liable.

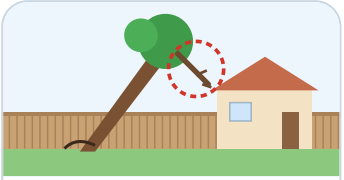


Leaves and fruit in my garden?
Falling leaves are rarely a nuisance in law. Fruit belongs to the tree owner.

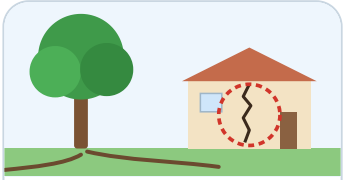


Is their hedge too high?
A row of two or more trees or shrubs over 2 m that blocks light may be covered by the High Hedges (Scotland) Act.

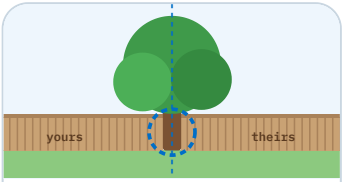
Their tree blocks my light. What can I do?
There is no automatic right to light in Scotland. High hedge law does not cover single trees.



Is their tree dangerous?
Tell the owner in writing. They must take reasonable care. Councils can usually only act if a public road is at risk.



Are their roots damaging my house?
Tell the owner and your insurer. A tree report can show whether the tree is the cause.



Who owns a tree on the boundary?
You both do. You need each other's agreement before any work is carried out.

4 If you cannot agree

Put it in writing
Set out the problem and what you would like done. Keep copies of letters, emails and photos.

Get an independent view
A qualified arboriculturist can assess the tree and give an impartial report that both sides can rely on.

Try mediation
Mediation is often quicker and cheaper than court. Citizens Advice Scotland can point you to a local service.

Know your next step
For a high hedge, apply to your council once you have tried to resolve it (a fee applies). Otherwise, take legal advice.

treeplanner
Independent tree management consultants
This guide contains general information. It is not legal advice.
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