

## Neighbour Noise and Nuisance Problems: What You Can Do

Nuisance and Noise from neighbours is a common source of disturbance and the most frequent complaints involve:-

- barking dogs
- loud music or TV
- Shouting
- banging doors
- DIY activities
- bonfires
- Remember that no house or flat is totally soundproof and gardens and garages can be particularly noisy!



Everyone can expect some noise from the people who live around them; you could be disturbed for any of the following reasons:

- The neighbours are behaving unreasonably (*eg playing loud music late at night or allowing their dog to bark all day*)
- The neighbours are behaving normally but sound insulation in your home is not good enough to cut out the sounds of everyday living
- The sensitivity of people to different types of noise varies (*sounds that some enjoy may annoy others especially if you don't 'get on' with the neighbours!*)

### So what can you do?



Firstly – if you feel able to do so, approach your neighbour and explain that you are being troubled by noise.

Often people are unaware that they are causing a problem and most will be glad to do what they can to reduce noise.

However, approach the matter carefully if you think your neighbour might react angrily to a complaint

If the problem continues:

- Start a diary recording *dates, times and cause of the noise and the effects it has on you.*
- Write to your neighbour, explaining the problem; ask them to stop the noise and nuisance referring to any conversations you have or any letters you write.
- If your neighbours are tenants, discuss the problem with the landlord; most Conditions of Tenancy require that tenants do not cause a nuisance to neighbours. (*If they are housing association tenants, the housing association should take action if a nuisance is being caused but if they are private tenants, you may need to find out who the landlord is.*)

## Are there alternatives to Legal Action?



Formal legal action should be a last resort - It is unpleasant and will inevitably sour the relationship between you and your neighbour so it is very important that you do your best to resolve any problem in a friendly way.

### Mediation

A mediation service can help you to resolve noise and neighbour problems. The local service is provided by [West Kent Mediation](#) a member of the Mediation UK and Kent Mediation groups.

### Sound insulation

There are DIY measures that can help solve inadequate sound insulation; advice on improving sound insulation in homes is available in the leaflet '[Improving Sound Insulation in your Home](#)' available from the [Building Research Establishment](#) ([www.bre.co.uk/index.jsp](http://www.bre.co.uk/index.jsp))

### Action by the District Council

If the problem persists, contact the District Council's Environmental Health Department for advice.

We can take "all reasonable steps" under section 80 of the Environmental Protection Act 1990 (EPA) to investigate your complaint by:

- Writing to the person causing the noise or nuisance saying that a complaint has been made
- Asking them to take any steps that may be necessary to reduce the noise.

**You should be aware that although no mention will be made of the source of the complaint, the very nature of the complaint may make it obvious who initiated it.**

If the noise continues, an EHO will visit at a time when the noise is occurring to see whether, in their judgement, the noise *is* a statutory nuisance. It is often necessary for the Complainant to complete diary sheets. They will consider:

- the type of noise or nuisance
- how loud it is
- how often and
- at what time(s) it occurs

If satisfied that a statutory nuisance exists they **must** issue a notice requiring the neighbour to stop causing the nuisance. If that person, without reasonable excuse, fails to comply with the notice, he or she is guilty of an offence and can be prosecuted.

EHOs are recognised experts and their professional judgement is very important. If they consider that a nuisance is being caused the Courts will generally accept their view. In some cases, the EHO whilst sympathetic to the effect the nuisance is having on you, may be unable to say that it represents a nuisance to the "average" person. A statutory nuisance is defined in the EPA as "noise emitted from premises so as to be prejudicial to health or a nuisance". The District Council takes noise and nuisance problems very seriously and will do its best to help solve the situation.



However if you feel that the District Council is not fulfilling its legal obligations, you can contact the Council's Complaints Coordinator:

Complaints Co-ordinator  
Sevenoaks District Council  
FREEPOST SEA 6448  
Argyle Road  
Sevenoaks  
Kent  
TN13 1BR  
Tel: 01732 227000  
E-mail: [feedback@sevenoaks.gov.uk](mailto:feedback@sevenoaks.gov.uk)

### Taking your own action

When noise or nuisance occur occasionally or at night or it is simply not realizable for an EHO to witness the problem, they may not feel able to take action behalf of the person who has made the complaint.

If this happens you can take independent action by complaining directly to the Magistrates Court under section 82 of the Environmental Protection Act 1990. Although a simple process, some cost is involved and whilst you do not need to employ a solicitor, it is advisable to obtain legal advice. Further advice on the legal implications is available from the [Community Legal Service Direct](#) leaflet [Neighbourhood and Community Disputes](#) ([www.communitylegaladvice.org.uk/en/legalhelp/leaflet30\\_1.jsp](http://www.communitylegaladvice.org.uk/en/legalhelp/leaflet30_1.jsp)).

Before approaching the court it is a good idea to inform (preferably in writing), the person causing the nuisance saying that unless the nuisance is abated by a certain date (eg two weeks) you will complain to the Magistrates Court. Keep a note of the date and time you gave this information and keep copies of all correspondence.

If the source of the problem ignores either the request by you to abate the nuisance, contact the Justices Clerk's Office at the [local Magistrates Court](#) ([www.hmccourts-service.gov.uk/cms/aboutus.htm](http://www.hmccourts-service.gov.uk/cms/aboutus.htm)) explaining that you wish to make a complaint under section 82 of the Environmental Protection Act 1990.

The Clerk of the Court will advise you on procedures, costs, time scales etc as well as technicalities such as

- how much notice of your intentions you must give to the person you're complaining about
- The evidence / proof you will need to prove 'beyond reasonable doubt'
- Although the law says that only one person needs to be affected in practice the evidence of other witnesses may strengthen your claim.



A date will be set for the hearing and the person you are complaining about will be summoned to Court. You will be required to explain your problem and produce evidence (such as your diary sheets) of the disturbance. You will have to give your evidence and cross examine your witnesses. The neighbour will be able to cross examine you and your witnesses and may produce their own evidence to contradict yours to prove the case.

As a result the court can:

- make an order saying that the nuisance must be stopped
- choose to fine the person responsible for the nuisance (up to £2000 for an individual, £20,000 for a business)
- Make you pay some of the expenses the other person had to pay to defend themselves in court if you lose the case.

If the court makes an order and the person who has been causing the nuisance ignores it, **you** will need to take further court action to make them stop.

You may prefer to employ a solicitor to do any of the work for you **but there will be a charge for the service.**

### Are there alternatives to legal action?

Legal action can be unpleasant and costly and will inevitably sour the relationship between you and your neighbours (and maybe not just the ones you are in dispute with). It's very important that you do your best to resolve the problem in a friendly way, leaving legal action as a last resort. For further information, please contact the District Council at

Environmental Health Department:  
Community and Planning Services  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
Kent TN13 1HG  
tel: 01732 227000 fax 01732 742339  
e mail: [environmental.protection@sevenoaks.gov.uk](mailto:environmental.protection@sevenoaks.gov.uk)

You may find the information provided by the following organisations helpful:

Community Legal Services Direct  
Tel: 0845 345 4345  
<http://www.clsdirect.org.uk/index.jsp>

The Local Government Ombudsman  
PO Box 4771  
Coventry CV4 0EH  
Fax: 024 7682 0001  
Website: [www.lgo.org.uk/](http://www.lgo.org.uk/)  
Tel 0300 061 0614 or 0845 602 1983

Neighbours from Hell in Britain (NFHiB)  
Website: <http://www.nfh.org.uk/>  
Email: [NFHiB@nfh.org.uk](mailto:NFHiB@nfh.org.uk)

Environmental Protection UK  
44 Grand Parade  
Brighton  
East Sussex BN2 9QA  
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