

Noisy Neighbours

Everyone must expect some noise from their neighbours from time to time.

However, this can become unreasonable and cause disturbance, especially if at unreasonable times and/or prolonged.

This advice attempts to explain what you can do if you are affected by unreasonable noise.

1. Approach your neighbour

This should be your first step in attempting to resolve the problem.

Explain politely that you are being affected by noise, as they may be unaware of the problem they are causing and may be only too willing to reduce the noise.

In most cases this is the most effective way of dealing with such a problem and the least damaging to relationships.

You should make a note of when you approach your neighbour, their response and keep copies of any correspondence.

It may be required at a later date to show that you have attempted to resolve the problem.

2. Speak to your landlord

If you are a tenant, speak to your landlord. Landlords, whether social or private, have powers to take action against tenants who are causing nuisance to their neighbours.

3. Mediation

If the direct approach does not succeed, you may want to consider mediation involving a trained independent third party.

This can help towards reaching a satisfactory agreement or compromise.

If you think mediation may help contact the Horsham District, Crawley and Mid Sussex Mediation Service.

4. Anti social behavior

If the problem involves shouting, screaming, revving and wheelspinning vehicles in the road etc. then our Anti Social Behavior Team may be able to help.

5. Contact the Council

If the informal approach doesn't resolve the matter, or you feel unable to make an approach to the person/s causing the noise, then you can make a complaint through the Environmental Protection Team.

For the Council to take action it must first be satisfied that the noise amounts to a 'statutory nuisance'.

For noise to constitute a statutory nuisance it must affect you in an unreasonable and substantial way.

It is more than just an 'annoyance' and much more than the mere detection of a noise. For action to be taken, evidence (suitable for use in a court) will be required to support the case.

There are many factors to be taken into consideration when determining if a noise is a statutory nuisance.

These include:

- Time of day
- Duration and frequency of the noise
- Volume of the noise
- Character of the noise
- Your location e.g. urban/rural

A noise nuisance can be caused by many activities such as music, DIY, misfiring alarms and dog barking. Please note that noise from roads and air traffic cannot be dealt with by the Environmental Health section.

In most cases the following procedure may be followed:-

- You will be asked to keep a diary noting occurrences of the noise that affects you
- If your diary shows a noise nuisance may exist a warning letter is sent to the person producing the noise.
- If the noise continues noise monitoring equipment may be installed in your property to record the noise nuisance, and/or an officer may visit you to witness the noise.
- If a statutory nuisance is found to exist, an 'abatement notice' may then be served on the appropriate person to prohibit or restrict the noise.

If following the service of a notice the noise continues, you would be required to keep a further diary and an attempt to witness the noise would then be made by an officer.

Finally if the noise continues and evidence substantiates this, the Council may take the offender to court for failing to comply with the 'abatement notice'.

6. Taking your own action

Sometimes it is not possible for the Council to take action, for example, if they are unable to witness the noise - this could be where the noise is intermittent or unpredictable. In such circumstances, you can take independent action under section 82 of the Environmental Protection Act 1990 by contacting the Magistrates' Court directly. You are advised to seek professional advice from your own solicitor before embarking on this course of action.

You will need your evidence to show that you have a case to argue.

We are happy to give detailed advice on this process.

Useful Contacts:

Mid Sussex District Council
Environmental Protection team

Tel: 01444 477292
Email: pollution@midsussex.gov.uk

West Sussex Mediation Service
Park House, North Street,
Horsham, RH12 1RN
Website: <http://wsms.org.uk/>
Email: info@wsms.org.uk
Tel: 0300 200 0025

Defra (Department for Environment Food and Rural Affairs)
Tel: 08459 33 55 77
www.defra.gov.uk

For information on anti social behaviour:
<https://www.midsussex.gov.uk/environment/anti-social-behaviour-and-crime/>



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Environmental Protection Leaflet No. 5

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