



Solihull
Community Housing
Shaping our neighbourhoods

Noise Nuisance

Noise Nuisance



This leaflet will give you general advice on what to do if you are bothered by noise nuisance.

Often those making the noise have no idea they are causing a problem and will be happy to work with you to reduce the noise.

If you are experiencing noise nuisance, please take time to read the following information.

What is a statutory noise nuisance?

Nuisance can generally be defined as something that affects a person's use or enjoyment of their home.

We understand that noise is an unwanted sound but neighbourhood noise will happen from time to time.

When deciding if noise is a nuisance, you should consider the following points before making a complaint:

- How loud is the noise?
- The type of noise – does it have an annoying element?
- When and how often it occurs
- Is the problem due to unreasonable behaviour?
- Would a reasonable and average person consider the noise to be a problem or are you possibly over sensitive to the noise?

For noise to be found as a statutory nuisance it must be:

- Persistent
- Excessive
- Extreme

Remember that there are no legally permitted noise levels or times and some people are less tolerant to noise than others. No one has the right to complete silence.

Noise we can't deal with

No property is totally soundproof and some types of noise will be expected. We have no control over certain types of noise, for example:

- Flushing toilets
- Dropping objects and moving furniture
- General talking coming from either the house or garden
- Babies crying
- Children playing


What should you do?

If you are experiencing noise nuisance from your neighbours, try talking to them and explain how it is affecting you. This should be your first step in attempting to resolve the problem.

If appropriate invite them into your home so they can hear the noise for themselves.

Your neighbour maybe unaware that they are causing a problem and will be happy to do what they can to reduce the noise.

This approach is often more effective, simpler and successful than when we get involved.



What we can do

We will contact the person causing the nuisance and make them aware that a complaint has been made and what it is about. This is to give them a chance to change the behaviour causing the issue.

Mediation can help solve problems with your neighbours. We can organise mediation sessions to help you both find a solution. This service is free and we will usually visit you and your neighbour separately. We will listen to you both and help you decide what to do next.

If everyone wants to meet, we will help you and your neighbour discuss the problem to find a solution.

If the noise continues we may take legal action if we have enough evidence to support the case.

We will give you diary sheets to fill in. It is essential that the recordings and the details on the diary sheets are accurate, complete and relevant and returned to us quickly.

We will then assess the information and decide if the issue is considered a statutory nuisance. If it does not meet the criteria we will discuss it with you with a view to closing the case if all other available options have been explored.



Legal Action

If the complaint continues, we will visit your home to try witness the noise. Noise monitoring equipment may also be used. If we decide the noise is a statutory nuisance, the person causing the nuisance will be told that possible legal action may be taken against them. If this is the case, you and any other witnesses may be required to give evidence in Court.

Taking your own action

You still have the right to take your own action by applying to the Magistrates Court directly using section 82 of the Environmental Protection Act 1990. You are advised to seek professional advice from your own solicitor before continuing with this course of action. You will need your evidence to show that you have a case to argue.



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Freepost RLSS-UEBA-RTUZ

Solihull Community Housing
Endeavour House
Meriden Drive
Solihull
B37 6BX

Phone: 0121 717 1515

Typetalk: 18001 0121 717 1515

Text: 07781 474 722

Website: www.solihullcommunityhousing.org.uk

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