

Confirmation of Tree Preservation Order

Trees at Elds Nook, Willoughbridge Market Drayton Shropshire

Tree Preservation Order No 175 (2016)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Provisional Order

This Provisional Tree Preservation Order protects three individual mature Oak trees situated in a visually prominent position within the garden of Elds Nook.

The 6 month period for this Order expires on 21st December 2016

RECOMMENDATION

That Tree Preservation Order No 175 (2016), Elds Nook be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Background

Your officers are of the opinion that the longer-term visual amenity of the trees was best secured by the making of a Provisional Tree Preservation Order after a planning application was submitted whereby trees on the site may have been in the way of a proposed development. Consequently there was a risk that the trees may be felled in order to accommodate the development.

It is considered that the three Oak trees have a high amenity value and that their loss or disfigurement would have a negative impact upon the visual amenity, not only of the site but the locality.

Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations.

In order to protect the long-term wellbeing of these trees they should be protected by a Tree Preservation Order

Representations

Following the consultation period one representation welcoming the Tree Preservation; and also raising the following matter:

- The respondent questioned why a further Oak (on land owned by the writer) was not included in the order as its roots and branches extend into Elds Nook.

Issues

Your officers response is that the reason that the further Oak tree (along other trees that overhang the site from adjacent properties) were not protected at the same time is because the Borough Council do not consider that these trees are under sufficient threat to warrant the serving of a TPO.

As is the case for all local authorities, in many situations where trees (or woodlands) may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management, and for which there is no reason to believe that there is a risk of them being felled, pruned or damaged in a way which would have a significant impact upon the amenity of the area.

Local authorities may only make a TPO where it appears to them to be 'expedient' to protect a tree, group of trees or woodland which makes a significant contribution to amenity.

The submitted planning application showed that the garage was likely to directly affect T2 and T3, and as these trees are owned by the people who are developing the site, there was a risk that they could be felled in order to make way for the new development.

The roots and partial canopy of the further Oak share the same (albeit smaller) area of ground as the protected T3. Therefore there would be no risk to the tree in the adjacent property if T3 is properly protected (i.e. T3 stands in front of the further Oak).

As the further Oak belongs to the neighbour (the respondent) the Borough Council believe that the likelihood that it will be cut down to make way for a development is low and a TPO on this tree would be unnecessary.

The making of the Order will not prevent the owner from carrying out good management of the trees nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction.

The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Your officer recommends that the three mature Oak trees are permanently protected and that TPO175 be confirmed as made.

Date report prepared

10th October 2016