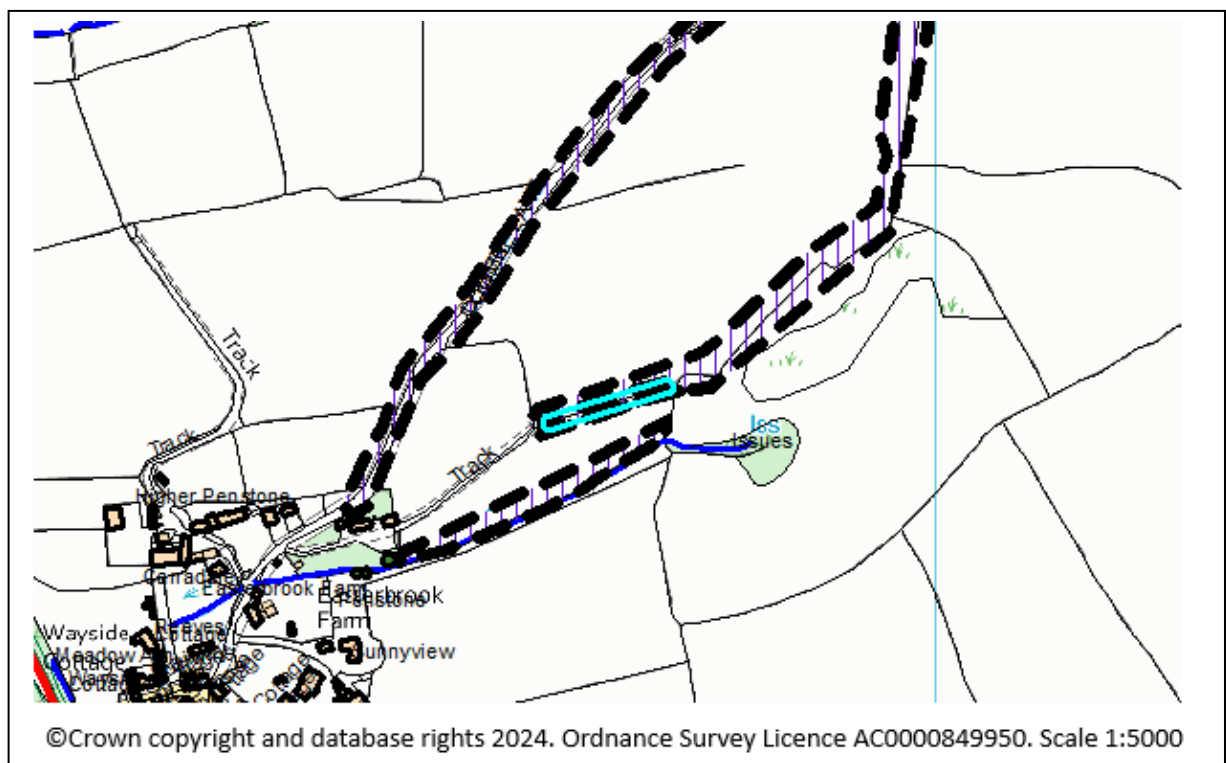


Tree Preservation Order: 24/00001/TPO

Grid Ref: 277623 : 100492

Location: Wylspring Farm
Penstone
Colebrooke
Crediton

Proposal: Tree Preservation Order for group of 4 Oak within hedge line



TREE PRESERVATION ORDER: 24/00001/TPO

Reason for Report:

Due to objection received from Mr Hann

RECOMMENDATION

That the Tree Preservation Order 24/00001/TPO is confirmed.

Relationship to Corporate Plan:

The proposal impacts upon the Corporate aim of 'Protecting the natural environment'

Financial Implications:

None

Legal Implications:

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Local Planning Authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

Risk Assessment:

None

Consultation carried out with:

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

PROPOSAL:

Tree Preservation Order for group of 4 Oak within hedge line

RELEVANT SITE HISTORY/DESCRIPTION:

20/01967/PNCOU - APA date 25th January 2021

Prior notification for the change of use of agricultural building to a dwelling under Class Q

23/01320/MTREE - CLOSED date 21st August 2023

Misc tree enquiry - correspondence with Tim Jarratt

AMENITY EVALUATION:

1. Size	Score	Notes
1 Very small 2-5m ²	6	The trees are est. to be 12-14m in height with an est. crown spread of 10-12m. The tree are still growing and has the potential to become larger.
2 Small 5-10m ²		
3 Small 10-25 ²		
4 Medium 25-50m ²		
5 Medium 50-100m ²		
6 Large 100-200m ²		
7 Very large 200m ² +		

2. Life expectancy	Score	Notes
1 5-15 yrs	4	Though the trees are viewed as mature. Oak trees are potentially long lived. It would not be viewed as unreasonable to anticipate that trees could live for at least a further 100 years
2 15-40 yrs		
3 40-100yrs		
4 100yrs +		

3. Form	score	Notes
-1 Trees which are of poor form	2	No obvious visual defects observed. Tree viewed to be of good form.
0 Trees of not very good form		
1 Trees of average form		
2 Trees of good form		
3 Trees of especially good Form		

4. Visibility	Score	Notes
0 Trees not visible to public	1	Trees are growing within a field boundary hedge line on private land with no public access.
1 Trees only seen with difficulty or by a very small number of people		
2 Back garden trees, or trees slightly blocked by other features		
3 Prominent trees in well frequented places		
4 Principal features in a public area.		

5. Other trees in the area	Score	Notes
0.5 Wooded (70% = 100+ trees)	0.5	Area viewed as rural with significant number of trees within surrounding hedgerows and woodlands.
1 Many (30% = 10+ trees)		
2 Some (10% = 4+trees)		
3 Few (<10% = 1+trees)		
4 None		

6. Suitability to area	Score	Notes
-1 Unsuitable	4	Trees are a distinctive feature within native hedgerow within the countryside
1 Just suitable		
2 Fairly suitable		
3 Particularly suitable		
4 Very suitable		

7. Future amenity value	Score	Notes
0 Potential already recognised	0	Though the trees have potential for further growth. This would not increase their visibility in the local and wider landscape.
1 Some potential		
2 Medium potential		
3 High potential		

8. Tree influence On Structures	Score	Notes
-1 Significant	0	Large barn constructed within close proximity to the trees. Potential for future crown conflict that can be resolved through target pruning of branches.
0 Slight		
1 Insignificant		

9. Added factors	Score	Notes
1 Rare	1	

1 Screening unpleasant view		Screen a newly constructed barn from a prominent visual point at the rear of Colebrook church.
1 Relevant to the Local Plan		
1 Historical association		
1 Considerable wildlife value		
1 Veteran tree status		

If more than one factor relevant maximum score can still only be 2.

10. Notes and total score	Score	Notes
Not / Reasonable for inclusion within the TPO (>15 Merits consideration)	18.5	The trees provides a level of amenity value that merits a TPO. Tree is outside of a conservation area informing there are no constraints restricting tree pruning.

REPRESENTATIONS:

Mr Hann who owns the land where the trees are situated has objected to the TPO and have raised the following objection that has been bullet pointed and summarised in this report.

1. The council has accepted hedgerows are under a Defra management plan and accepts this is to improve the structure of the trees within the hedgerow. The management plan cover the entire holding including the area marked G1 (TPO in question), why then, has this not been applied other area saves this one?
2. The council have made various Tree preservation Orders. The council have been provided with the information to show why most have not been proportionate or necessary.
3. Since the order was proposed, neighbours have successfully applied for and been granted permission for a livestock barn (ref: 23/01652/FULL). The screening proposed for the barn is entirely on the western side to protect the village of Coleford, but nothing is proposed for the northern elevation, effectively protection my property. So, screening is demonstrable not an issues for the council.
4. The council justification for not confirming the original order (ref: 23/0004/TPO) should also apply here, the oaks are in a hedgerow under a management plan. In addition, those trees are protected as per the application ref: 22/01693/FULL in which I commit to maintaining the BS5837 standard.

MAIN ISSUES:

In response to Mr Hann comments and objection to the Tree Preservation Order.

1. It is accepted the hedgerows are under a Defra management plan and accept this is to improve the overall structure of the hedges and trees over time. For this reason the previous Tree Preservation Order (ref: 23/0004/TPO) was not confirmed. Not withstanding this, it was observed and communicated with Mr Hann that the four oak trees are viewed to be of increased importance in terms of screening the newly agriculture storage barn (22/01693/FULL). Furthermore the proximity of the barn to the oak trees is likely to require crown pruning periodically to resolve conflict that could impact the screening of the storage barn in the wider landscape. For this reason a Tree Preservation Order was viewed as reasonable to ensure appropriate pruning in the future, if and when required.
2. The council has made two previous Tree Preservation Orders in relation to Wyllspring Farm. The first being confirmed with modification, the second not being confirmed due to Defra management plan. However, it was made clear the

new Tree Preservation Order was to made that would protected the four oak trees due to the screening value at the time of the previous Tree Preservation Order (ref: 23/0004/TPO) not being confirmed.

3. In response to the neighbour application (ref: 23/01652/FULL) permission was granted for a livestock barn. Proposed planting will provide screening in the wider landscape, notable in relation from Coleford. The four oak trees provide significant screening of Mr Hann storage barn, also from Coleford and was an influencing factor in making Tree Preservation Order. Screening between immediate neighbouring lands was not a consideration when considering a Tree Preservation Order.
4. Much of Mr Hann points raised in bullet point 4 are addressed above. BS5837 is the standard for Trees in relation to design, demolition and construction– Recommendations, namely to protect trees during construction and is not a long-term protection of trees and not a substitute for a Tree Preservation Order in any form.

SUMMARY:

The four oak trees provide good amenity value to the local landscape in terms of screening the newly constructed storage barn and are likely to continue contributing to the landscape in the long-term. The issue raised by Mr Hanns who owns the trees who has objected to the Tree Preservation Order being confirmed have been reviewed. It is considered that the points raised are not sufficient to inform that it is not expedient to confirm the Tree Preservation Order. It is recommended that the TPO be made.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.