

**Parish: Huby**

Ward: Huby

**5**

Committee date: 31 May 2018

Officer dealing: Miss Charlotte Cornforth

Target date: 21<sup>st</sup> June 2018

**17/00013/TPO2**

## **Confirmation of Tree Preservation Order 2017/No.13**

### **At Green Croft, Huby**

**The report is brought to Planning Committee as an objection has been made to the Order**

#### **1.0 SITE, CONTEXT AND PROPOSAL**

1.1 This report considers the case for the confirmation of Tree Preservation Order (TPO) 17/00013/TPO2.

1.2 Green Croft lies within an enclave beyond the south eastern fringe of the village of Huby. The dwelling Green Croft fronts Sutton Road. The two TPO'd trees are south west of that dwelling. To the west of the TPO'd trees considered in this report is a small strip of land that has other trees that are the subject of a TPO 1995/10 (including an oak tree). Adjoining this is a rural lane that leads south to a farm and other residential dwellings. This lane is also a public right of way. To the west of this lane are a number of oak trees that extend to the south that are also the subject of TPO 1995/10.

1.3 The TPO refers to two trees. They are sweet chestnut and not oak as stated in the 'made' Order.

#### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 There is no relevant planning or enforcement history.

#### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policy DP28 – Conservation

#### **4.0 CONSULTATIONS**

4.1 Objections have been received to the making of the TPO from the owners of the land to the west of the site and their family member. The comments are summarised as follows:

- Both trees are described as oak, however based upon their habitat and shape, they are sweet chestnut;
- Both trees are relatively mature, but despite that they are not particularly visible from the highway as they are obscured by the hedge on our land and by Green Croft;
- The habitat of the trees, particularly the extent of overhang at low levels, their vigorous growth rate, height, spread, the proximity to Green Croft and our land make them unsuitable trees to have this preservation order on them;

- A number of other trees in this part of Huby are the subject of a TPO, in particular there are a number of oak trees that are in the hedgerow leading down towards Tall Oaks Farm;
- As there are already a significant number of trees in this part of the village. These trees will not make a further positive contribution to the village as a whole;
- The trees could have an impact upon the foundations of Green Croft;
- Once mature, the trees would have an overbearing effect robbing both our land and Green Croft of light;
- If the order is confirmed, it is requested that the owners of the trees should be required to remove the branches which overhang our land; and
- The removal of the trees will not result in significant harm to the character and appearance of the area.

#### 4.2 In support of making the TPO representations state:

The sweet chestnut species is thought to have been introduced to the British Isles by the Romans but today is regarded as an 'honorary native' to the UK. The sweet chestnut is a long-lived tree which can reach huge stature and girth, often developing burrs and becoming hollow in advanced old age. It has great value to wildlife, the flowers providing an important source of nectar and pollen to bees and other insects, and red squirrels eat the nuts. A large number of micro-moths feed on the leaves and nuts.

The value to local wildlife is what we would like to stress and which we wish to protect. The trees are a frequent habitat for many of the rarer wild bird species from the immediate area, including woodpeckers, nuthatch and tree creepers and also a wide range of bees species and insects when the trees are in flower.

In addition, we would also like to confirm that the trees are visible from the public highway and also in particular from the public footpath which runs past them, which is currently very much a 'green lane'. As such, we believe they do indeed make a positive contribution to the character and appearance of the area.

## 5.0 OBSERVATIONS

- 5.1 The trees are prominent in views from Sutton Road and the lane that runs to the west of the trees that is a public right of way (footpath) and make a positive contribution towards the character and appearance of the area.
- 5.2 The trees, by virtue of their location on the periphery of the built development south of Huby and setting within the context of existing trees and hedgerows, that provide a visual transition from the open agricultural land to the south and the built up area of Huby are considered to provide a positive contribution towards the visual amenity of this rural area.
- 5.3 There is no evidence that the trees have any structural or health problems. Concern expressed regarding the proximity of the trees to Green Croft is not supported by any evidence or representations from the owners of that dwelling. The species are noted to provide habitat of value to bio-diversity.
- 5.4 Concerns regarding the area of shading caused by the trees now and the potential for greater shading in the future are stated as reasons for objection but it is considered that the shading caused by the trees when in leaf is not so substantial that it would cause demonstrable harm to the amenity of neighbouring property that it would justify the removal of protection of the trees. If works are required to address

harm to amenity an application can be made to allow works to a tree that is the subject of a TPO and for that application to be considered on its merits.

## **6.0 CONCLUSION AND RECOMMENDATION**

- 6.1 It is considered that the trees provide a positive contribution towards the character and appearance of the area.
- 6.2 There are no structural or health condition reasons why the trees cannot be maintained in the longer term and as such making a TPO on the trees is appropriate.
- 6.3 It is therefore recommended that TPO 2017/13 is amended to correct the species to refer to Sweet Chestnut and for the corrected Order to be confirmed.