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15/00015/TPO1

Hambleton District Council (Crayke) Tree Preservation Order 2015 No. 15 At: Crayke Castle, Castle Hill, Crayke

1.0 DETAILS OF THE TPO AND SITE DESCRIPTION

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2015/15.
- 1.2 A total of 14 individual trees and a group of trees have been made subject to a provisional TPO. The group of trees consist of two Ash trees, one Sycamore and five Oak trees which lie to the north west of the Castle, alongside Crayke Lane. Nine individually protected trees are located to the north east of the Castle along the boundary with a public footpath; the trees consist of a Sycamore, four Ash, three Field Maples and a Holly tree. Two Sycamore trees and an Ash tree run along the boundary with St Cuthbert's Church and one Sycamore tree is located in the driveway area opposite the front entrance into the Castle.
- 1.3 Crayke Castle and its grounds are located within Crayke Conservation Area and the Howardian Hills Area of Outstanding Natural Beauty. The Castle is a Grade I listed building and a Scheduled Monument.

2.0 RELEVANT PLANNING HISTORY AND ENFORCEMENT HISTORY

- 2.1 The provisional Tree Preservation Order was placed on the trees following the consideration of a Section 211 notification (15/02250/CAT) to remove the remaining trees in Group 1 and the trees near to St Cuthbert's Church.
- 2.2 An earlier notification to carry out work to trees within the grounds of Crayke Castle (15/00278/CAT) was considered in March 2015. At the time of this notification it was considered the works involved were acceptable and no TPOs were placed on any trees within the grounds.
- 2.3 Work to removed trees began in August 2015 in line with the recommendations of the report submitted with 15/00278/CAT. Concerns were raised that work had been carried out on trees that were not covered by the 15/00278/CAT notification. The concerns are being investigated by the Planning Enforcement Team. The site has been subject to widespread felling of trees and due to the prominent location of the Castle it is considered the remaining trees make a contribution to local amenity and as such the Local Planning Authority imposed a TPO to protect the remaining trees on site.
- 2.4 An objection has been received regarding the making of the Order.

3.0 RELEVANT PLANNING POLICY

- 3.1 The relevant policies are:

Core Strategy CP16 – Protecting and enhancing natural and man-made assets
Development Policies DP30 – Protecting the character and appearance of the countryside
National Planning Policy Framework – published 27 March 2012

4.0 CONSULTATIONS

4.1 Two letters have been received regarding the making of the Order. One letter from an Arboricultural Consultant on behalf of the owner of Crayke Castle and the second letter has been received from owners of a neighbouring property.

4.2 The comments from the Arboricultural Consultant's comments are summarised as follows:

1. The formal notice accompanying the Order cites the previous regulation of 1999 rather than the updated 2012 regulations.
2. The additional explanatory guidance leaflet included is long outdated and provides misinformation regarding TPO's.
3. The TPO documentation states the council have made the order 'to ensure the long term protection'. The rationale provided is insufficient and unjustified and cannot be deemed expedient or in the public interest especially due to the fact the trees were already subject to Conservation Area legislation.
4. There are significant technical errors on the supplied plan which is not in line with the guidance of The Town and Country Planning (Tree Preservation) (England) Regulations 2012. The information presentation makes the identification impossible on site and will undoubtedly lead to errors in management of the order and significantly complicate matters for both the owner and the authority.
5. There are technical errors within the schedule, in particular the Description and Situation which again are not in line with the guidance of The Town & Country Planning (Tree Preservation) (England) Regulations 2012.
6. The provisional TPO includes trees on different sites and under control of or bordering different land, namely Crayke Castle and St Cuthbert's Church and in serving the order it is unclear whether all interested parties have been appropriately informed.
7. The greatest concern is the inclusion of trees that should be categorised as being in a poor state structurally and/or in a poor state of health. Several trees fall within the category though principally this relates to the trees T1, T5, T10 and T14.

T1 – the tree is covered in ivy which has obscured a significant structural defect. The main stem is bi-forked close to ground level and suffers from included bark which significantly increases the risk of whole stem failure due to the formation of the included bark preventing the stems grafting correctly.

T5 – The tree has suffered significant failure of the main stem which has left large torn wounds which are predisposed to colonisation by decay, in addition to elongated branches being predisposed to branch failure.

T10 – this tree has an open spreading form with very elongated branches, for example a lateral limb in the NW canopy extends almost 17 metres increasing the risk of branch failure. Unfortunately the issue of elongated branches is repeated elsewhere in the canopy indicating that the tree is predisposed to branch failure.

T14- The tree has suffered historic branch failure of the main stem and has Eutypella canker which has left large wound that again indicates that the tree is

predisposed to colonisation by decay in addition to elongated branches being predisposed to branch failure.

4.3. The owners of the neighbouring property have submitted comments which are summarised as follows:

- In general agreement with tree preservation particularly the large Sycamore in front of the Castle (T14);
- Consider T1 does not need preserving. The ivy-covered Sycamore has several broken branches. Many side branches are growing almost vertically due to the constraints of its location; and
- If T1 was removed the other Sycamore T2 would have room to grow a good shape which it cannot do if T1 is still in position. T2 has much better form, a good trunk and side branches with the potential of forming a good canopy.

5.0 OBSERVATIONS

5.1 Crayke Castle stands in a prominent position with long range views from the village and the surrounding countryside and Easingwold. The trees in Group 1 and T14 are the most prominent, located on the hillside. T1 – T4 are visible from the properties of Church Hill and St Cuthbert's Church. The trees T5 –T13 are located adjacent to a public right of way running along the eastern boundary of the Castle grounds.

5.2 The trees are considered to be of visual merit and contribute to the character and appearance of the village, Crayke Conservation Area, the ANOB, the Grade 1 Listed Castle and scheduled monument.

5.3 The placing of the Tree Preservation Order followed a report undertaken by A Whitehead Associates Ltd on behalf of the Local Planning Authority. The tree assessments were made in November 2015 and were made on the basis of the tree's condition on the day of surveying. The trees report assessed the visible parts of the trees and the information supplied in the two Section 211 notifications. The report considers that there is no evidence to suggest that the trees are not in good condition.

5.4 The Arboricultural Consultant (Barnes and Associates) on behalf of the owner of Crayke Castle has highlighted four trees which they consider should be categorised as being in a poor state structurally and/or in a poor state of health, T1, T5, T10 and T14. T1 is a twin stemmed Sycamore tree. Crayke Castle's Arborist, Barnes and Associates, considers the main stem to be bi-forked close to ground level and suffers from included bark which significantly increases the risk of whole stem failure. The Local Planning Authority's independent Arboricultural Consultant (Anthony Whitehead) noted that the tree is twin-stemmed and considers there is no substance in the claim that T1 is so misshapen that it should be removed. The Sycamore was not noted as being unstable.

5.5 T5 is highlighted by Crayke Castle's Arborist as having suffered a significant failure of the main stem which has left large torn wounds which are predisposed to colonisation and decay. The Local Planning Authority's Arborist notes that T5 is a large mature Sycamore with a trunk diameter of 1m. The tree is not noted to be decayed and just because it is predisposed to colonisation and decay this does not mean it will. A tree's health can change rapidly; consequently it is prudent for a tree owner to have the health of their tree stock checked periodically by a suitably qualified arborist.

5.6 T10 is a very large Ash tree with a trunk diameter of 120cm. Crayke Castle's Arborist has commented the tree has an open spreading form with very elongated branches which indicates the tree is predisposed to branch failure. The Local Planning

Authority's Arborist advises the tree is approximately 180 years old and is in good condition. We do not have many Ash trees of this size in the country. The tree does have some heavy deadwood over the public footpath and there are old branch wound cavities in the trunk. The level of the tree's decline does not warrant removal.

- 5.7 T14 Sycamore is in average condition but now very prominent and now a feature tree due to the scale of felling on the site. Crayke Castle's Arborist has objected to the inclusion of the tree in the TPO due to historic branch failure of the main stem which has resulted in a eutypella canker which has left a large wound. The full comments of the Council's Arborist are awaited but provisional comment is that the failings described may reasonably be expected to be found in a tree of the age but are not significant to the health of the tree.
- 5.8 There is no indication that any of the trees are in a dangerous condition and the Local Planning Authority could not require works to be undertaken. Any proposal to undertake remedial work will be considered on its merits.
- 5.9 It is noted the covering letter and explanatory guidance leaflet sent with the copies of the TPO did contain out of date information. This was an administrative error which has been corrected. Most importantly the details within the actual order were correct.
- 5.10 The provisional order was made following the notification of further tree removal from the site. Although a notification is required by law prior to the removal of trees within a Conservation Area, the only means to "refuse" a notification and retain a tree(s) is to make a Tree Preservation Order. It was considered necessary following the extensive felling of trees to make a TPO in this instance because of the importance of the site in terms of the landscape of the Howardian Hills AONB, the setting of the village and the Conservation Area. Taking all these matters in to account it is considered the reason for making the order 'To ensure long term protection of the trees, which make an important contribution to the character and appearance of the site' is appropriate.
- 5.11 Objections have been raised to the TPO plan having technical errors. The indication on the plan of the individual trees and group of trees is in line with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 5.12 It is further noted that the description of G1 has not specified the number and species of trees within the group and the precise location of the trees included in the "Group 1" has not been specified in the 'Situation' within the TPO. These details can be added to the order prior to confirmation to provide the greater degree of certainty of which trees are protected by the "Group 1" designation.

6.0 RECOMMENDATION

- 6.1 The trees contribute significantly to the character and appearance of the Crayke Conservation Area when considered against the relevant planning criteria and result in reasonable degree of public benefit especially following extensive felling of trees on the site. The Local Planning Authority's independent arboricultural advisor confirmed they are general healthy specimens. Their retention would not preclude future proposal, which would be considered on its own merits.
- 6.2 It is therefore recommended that TPO 2015/15 is confirmed with a modification to the description of G1 from mixed species to detail 2 x Ash trees, 1 x Sycamore and 5 x Oak trees. Additional details as to the location of the trees will be added to the 'Situation' column.