

17/00006/TPO1

**Tree Preservation Order 2017 No.6,
At: Land north of Lime Tree Cottage, Ham Hall Lane, Scruton
For: Mr Richard Dennison**

The report is brought to Planning Committee as there has been an objection to the Order.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2017/6.
- 1.2 The trees are located within a paddock at the north western edge of the village of Scruton at the junction of Fleetham Lane and Ham Hall Lane. There are several trees within the paddock including 14 mature lime trees, an oak and a sycamore. These 16 trees have been made the subject of a provisional Tree Preservation Order.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 In March 2017 the Council received an outline planning application for the construction of a dwelling with all matters reserved (17/00527/OUT). An arboricultural survey was submitted with the application. The application included a proposal to remove two of the lime trees and a sycamore. It is considered that the trees make a positive contribution to local visual amenity and as such the Council imposed a Tree Preservation Order to protect the trees, on 26 May 2017.
- 2.2 Planning permission for the dwelling was refused on 2 June 2017 for the following reasons:
1. The site is outside Development Limits and fails to meet any of the exceptional circumstances set out in LDF Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore be contrary to Policies CP1, CP2, and CP4 of the Local Development Framework.
 2. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village and would have a detrimental impact on the character of Scruton and the natural environment on the edge of the village, contrary to the Council's Interim Policy Guidance.
 3. The construction of a dwelling on this site would detract from the visual contribution made by the existing open space and landscape character of the site and as a result would be contrary to LDF Policies CP16 and DP30.
 4. Due to the presence and proximity to the protected trees the proposed development would result in an overbearing and unwelcome environment, to the detriment of future occupiers of the residential property, thereby increasing the pressure to remove significant and important trees. As such the proposed development is considered to fail to comply with the requirements of Local Development Framework Policy DP1 and DP30.

- 2.3 The planning application decision is currently the subject of an appeal to the Planning Inspectorate.
- 2.4 Objections from the landowner have been received regarding the making of the Tree Preservation Order.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy 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 An objection to the imposition of the TPO has been received from the owner of the trees and the comments are summarised as follows:

1. I believe they enhance the landscape, however the majority have low branches, which have to be trimmed to allow light in and stock to graze safely;
2. The utility companies regularly cut the trees back; I do when asked to do so by neighbours;
3. It is not fair to impose extra cost and red tape in seeking permission to do these jobs;
4. Planning permission was refused for the dwelling so the trees remain within my care; why are restrictions now required?
5. As can be seen by the survey the trees are in good health;
6. If the 2 lime trees had been removed and the house built extra planting and screening would take place to compensate, which means that when the mature trees come to the end of their life new trees would be fully grown;
7. If the Council still insists on imposing the TPO, can I ask that as a compromise, they are not imposed on T1, T6 and T7 so that I and utility companies can carry out the work quickly and at no extra cost.

5.0 OBSERVATIONS

- 5.1 The trees form a group of mature specimens within the paddock between the village and the countryside beyond. The trees are prominent at the road junction at the western end of the village, from adjacent agricultural land and from the public rights of way to the west and east. The trees are particularly important as they lie at the entrance to the village when approached from a westerly direction.
- 5.2 The presence of such a large number of mature trees within the paddock area adds a significant amount of visual amenity value and is an important open space on the edge of the village. The trees are considered to be of visual merit and contribute to the character and appearance of the village.
- 5.3 A report has been undertaken by A Whitehead Associates Ltd on behalf of the landowner, which considers that the condition of the trees is satisfactory and this is not disputed by the landowner.
- 5.4 A significant reason for refusing planning permission for the dwelling relates to the presence of the trees. Should the trees not be subject to a TPO the landowner would require no permission to remove them, which if undertaken would significantly detract from the character and appearance of the locality. As the presence of the trees is

included as a reason for the refusal of the planning permission it is deemed that they would be at risk of removal should the Tree Preservation Order not be confirmed.

- 5.5 Any works undertaken to the protected trees by utility companies is exempt from requiring the permission of the Local Planning Authority. Any works proposed to be undertaken by the landowner would require the permission of the Local Planning Authority but there is no fee incurred for the application thereby reducing the burden to the applicant.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 The trees contribute significantly to the amenity of the area when considered against the relevant planning criteria and result in a high degree of public benefit. The owner's arboricultural advisor agrees that the trees are generally healthy specimens.
- 6.2 It is therefore recommended that TPO 2017/6 is confirmed.