

Parish: Thrintoft
Ward: Morton-On-Swale
9

Committee date: 12 May 2022
Officer dealing: Mrs Angela Sunley
Target date: 16 September 2022

22/00007/TPO2

**Hambleton District Council (Thrintoft Parish Council) Tree Preservation Order
2022 No 7**
**At: Land Northwest Of Rose Cottage and Woodman Cottage, Bramper Lane,
Thrintoft**

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

1.0 Site, Context and Proposal

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2022 No 7 relating to two perry pear trees on land northwest of Rose Cottage and Woodman Cottage, Bramper Lane, Thrintoft, North Yorkshire
- 1.2 A member of the public submitted a request to place TPO's on these trees. An application had been submitted to the authority for outline permission for the construction of one dwellinghouse (with all matters reserved except for access), close to the TPO and the application has been determined and approved.

2.0 Relevant Planning History

- 2.1 There is no relevant planning or enforcement history.

3.0 Relevant Planning Policies

- 3.1 The relevant policies are:
 - E4LP - Green Infrastructure
 - E7LP - Hambleton's Landscapes

4.0 Consultations

- 4.1 1 objection has been received from Dorothy Laing on behalf of herself and her sister Anne Homa. They object to the placing of a Tree Preservation Order (TPO) on these trees. A summary of their objections are below.
 - They do not provide sufficient public benefit to warrant a TPO, they have limited prominence in terms of public visibility from any approach roads to the village. The trees are on private land and not directly accessible to the public
 - Their loss would not have a significant impact on the local environment or its enjoyment by the public
 - The trees are remnants of a double line of fruit trees that were planted in a commercial market garden, the trunks stand close together, affecting their

growth form and structure. The trees are about 80 years of age, but we doubt whether they will have a safe life expectancy of more than 10 years

- The trees lack intrinsic beauty and have no rarity, historical or cultural value, nor do they make any contribution to and relationship with the landscape
- The information received by the council does not provide evidence to support the TPO, nor does the information indicate that the council has assessed the value of the trees in a structured and consistent way.

5.0 Analysis

5.1 The purpose of a tree preservation order is to protect trees which are deemed to be of significant amenity value to the local surroundings especially where they are in immediate danger.

5.2 An application for outline permission for the construction of one dwellinghouse (with all matters reserved except for access), has been determined and been approved. Therefore, the trees in question are considered to be at risk of being felled as a result of this development.

5.3 The observations are noted however the TPO has been assessed against the Planning Practice Guidance, which states that it may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned, or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases, the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

5.4 The TPO's have been assessed against the criteria within the Planning Practice Guidance.

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;

- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

- 5.5 The assessment of the amenity of the trees is therefore to be considered against these criteria.

Criterion 1: Visibility

- 5.6 The trees are located within a field and are clearly visible from the roadside, therefore it is considered that the trees are sufficiently visible to the general public to warrant their protection through the TPO.

Criterion 2: Individual, collective and wider impact

- 5.7 The trees are of a special interest due to them being part of an old commercial market garden, the presence of these trees on this site provides a wider benefit other than screening alone. There are few other trees of any significance within the immediate area, therefore their retention increases the significance of these trees in terms of their amenity value in this location.

Criterion 3: Other factors

- 5.8 The trees are not considered to be of particular significance to nature conservation other than to have a general contribution to nature conservation and climate change implications as any tree would do.
- 5.9 The trees contribute significantly to the amenity of the area when considered against the relevant planning criteria and result in a reasonable degree of public benefit. There are no material considerations that are considered to outweigh this conclusion.
- 5.10 It is therefore recommended that Tree Preservation Order 2022 No 7 is confirmed.

6.0 Recommendation

- 6.1 That Tree Preservation Order 2022 No 7 is confirmed.