

**Parish: Stillington**  
Ward: Huby  
**8**

Committee date: 4th August 2022  
Officer dealing: Marc Pearson  
Target date: 9th August 2022

**22/00004/TPO2**

**Hambleton District Council (Stillington Parish Council) Tree Preservation Order  
2022 No 4**

**At: Weddells Cottage, Main Street, Stillington**

**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 4 relating to three trees at Weddells Cottage situated on the south side of Main Street in Stillington. In February 2022 a tree notification (ref no. 22/00096/CAT) was submitted to the Local Planning Authority for the removal of three Silver Birch trees. Officers considered it was appropriate to make a Tree Preservation Order on the trees. Since the making of the order the applicant has employed an arboriculturist to provide advice and it has subsequently been identified that one of the Silver Birch trees (T1) is in fact a weeping variety.
- 1.2 On the basis of the Arboricultural Survey the applicant has submitted a TPO application for works to T1 (now identified as a Weeping Silver Birch) and removal of T2 and T3 Silver Birch. This application has been approved and therefore the order needs to be amended to only include T1 and to change the species of this tree.

**2.0 Relevant Planning History**

- 2.1 16/01823/CAT - Proposed work to remove a tree in a conservation area. Approved.
- 2.2 22/00096/CAT - Works to fell trees in a Conservation Area. TPO served.
- 2.3 22/01488/CAT - Works to fell tree in a Conservation Area. Approved.
- 2.4 22/01439/TPO - Works to fell T2 and T3 and works to tree T4 of Tree Preservation Order 22/00004/TPO2 Approved 25 July 2022 subject to replanting condition.

**3.0 Relevant Planning Policies**

- 3.1 The relevant policies are:
- E3LP – The Natural Environment
  - E4LP - Green Infrastructure
  - E7LP - Hambleton's Landscapes
  - National Planning Policy Framework

## 4.0 Consultations

- 4.1 Three objections received from the owners of the trees and two neighbours as summarised below:
- Concerns about leaf and branch fall into garden and property gutters together with impact on cars parked on the driveway
  - Concerns about damage telephone wires that pass through the tree canopy
  - The trees are not appropriate for their location.
  - Concern about stability of the trees and damage to neighbouring property
  - The trees are not visible from the public domain, are not on display and therefore do not satisfy the relevant criteria for preservation

## 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 risk of felling.
- 5.2 A notification to remove the three trees in the rear garden (22/00096/CAT) had been submitted showing the trees were clearly at risk of felling. Since the making of the Order the applicant has submitted a TPO application (ref no.22/01439/TPO) to remove T2 and T3 and this has been approved. On this basis the analysis below only considers the making of the Order for T1 (noted as T4 in the applicant's agent's report, which is identified as Weeping Silver Birch).
- 5.3 The submitted objections to the Order in part relate to issues associated with T2 and T3 which now have consent to be felled. It is also noted that one observation from one of the objectors to the Order, fully supported the approved TPO application (ref no. 22/01439/TPO). This in effect removes this particular objection to the Order. Nevertheless, it is noted that other objections to the remain.
- 5.4 The Planning Practice Guidance states 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. Furthermore, 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.
- 5.5 The TPO has 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.

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

#### Criterion 1: Visibility

- 5.7 T1 contributes to the visual amenity of the area in views from Main Street and South Back Lane. Therefore, it is considered that the tree is sufficiently visible to the general public to warrant their protection through the TPO.

#### Criterion 2: Individual, collective and wider impact

- 5.8 The tree sits in the rear garden of the property and this is in common with other gardens in the vicinity and is part of the character of the Stillington Conservation. On this basis the tree contributes to the character of this part of the village.

#### Criterion 3: Other factors

- 5.9 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.
- 5.10 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.
- 5.11 It is therefore recommended that Tree Preservation Order 2022 No 4 is confirmed subject to change of species of T1 to a Weeping Silver Birch and that T2 and T3 are omitted from the Order

## **6.0 Recommendation**

- 6.1 That Tree Preservation Order 2022 No 4 is confirmed subject to the amendment noted above that removes T2 and T3 from the Order.