



The Planning Inspectorate

<https://www.gov.uk/government/organisations/planning-inspectorate>

For official use only

Date Received

Appeal Ref

TREE PRESERVATION ORDER (TPO) APPEAL FORM The Town and Country Planning (Tree Preservation) (England) Regulations 2012 – SI No. 605, Regulation 19

Before completing this form please read "Guide for Appellants (Tree Preservation Orders – consents for works)"

WARNING Your appeal must reach the Planning Inspectorate within 28 days from receipt of the decision against which you are appealing.

Appeals received after the deadline will only be accepted in exceptional circumstances.

If you need this document in large print, on audio tape, in another language or in Braille, please call 0303 444 5570.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

Name *MICHAEL WHICKER*
Address *11. ST. CHRISTOPHERS CLOSE*
ARDSLEY
BARNSELY . SOUTH YORKS
Postcode *S71 5DA*
Daytime Tel *07794 766058*
Email
I prefer to be contacted by: Email ☒ Post ☐

B. AGENT: If acting on behalf of the appellant, you will be our main contact on all matters relating to this appeal and we will direct all queries and correspondence to you. It will be your responsibility to keep the appellant informed.

Name ☐ *N/A*
Organisation
Address
Postcode
Daytime Tel
Email
I prefer to be contacted by: Email ☐ Post ☐

C. APPEAL SITE

Address where the appeal tree is (trees are) located:

11. ST. CHRISTOPHERS CLOSE
ARDSLEY, BARNLEY, S71 5DA

Do you own the site: Yes ☒ No ☐

If no

- 1) give details of your interest in the site (eg tenant, neighbour):
- 2) give the name and address (if different from the above) of the owner and/or occupier of the site. We will need to contact them to make arrangements for our Inspector to gain access to the site:

D. COUNCIL/DECISION

Council: BARNLEY METROPOLITAN BOROUGH COUNCIL

Council Contact Name: RACHAEL RODDIS Telephone Number: 01226 772578

Full title of tree preservation order (if known): TPO 40/2008

Date of Council's decision (if applicable): 17 AUG 2021

E. APPEAL

Please tick only the relevant boxes.

I am appealing against:

The Council's refusal of consent ☒

The Council's failure to issue a decision (deemed refusal of consent) ☐

Condition(s) attached to the consent ☐

The Council's refusal to agree a matter that required their agreement under the terms of a condition of consent. ☐

F. GROUNDS OF APPEAL

F. GROUNDS OF APPEAL (cont)

THE OAK TREE IS AN ISOLATED SPECIMEN IN THE CORNER OF MY GARDEN. IT HAS A DIRECT IMPACT ON SIX GARDENS THAT MEET IN OR NEAR THIS CORNER. THE LOCATION OF THIS TREE WHICH STANDS AT OVER A 100 FT FOR THESE HOUSES HAS A HUGE NEGATIVE IMPACT ON THEIR QUALITY OF LIFE, LET ALONE THEIR MENTAL WELL BEING AND SAFETY.

THE CANOPY OF THIS TREE REACHES NEAR THE HOUSES THEMSELVES. THERE IS IMMINENT DANGER OF FALLING BRANCHES AND ACORNS. THE ACORNS THEMSELVES DROPPING FROM THESE GREAT HEIGHTS CAUSE CONSIDERABLE DAMAGE TO PROPERTY AND COULD INJURE PERSONS WHOUST OUT IN THEIR GARDENS. I HAVE HAD THIS TREE CROWNED IN THE PAST BUT ALL THIS DOES IS CAUSE THE TREE TO EXPAND FURTHER.

THE TREE ALTHOUGH IMPRESSIVE IS IN THE WRONG LOCATION, IT IS FAR TO BIG FOR THE HOUSES AND GARDENS. IT IS ABSOLUTELY AN IRRATIONAL DECISION BY THE BARNSELY METROPOLITAN BOROUGH COUNCIL TO REFUSE THIS REQUEST TO HAVE THE TPO REVOKED.

I HAVE SPOKEN TO MY NEIGHBOURS REGARDING THIS TREE AND AS FAR AS I AM AWARE ALL AGREED WITH MY APPLICATION TO HAVE THE TREE REMOVED.

THE COUNCIL STATES ON THEIR LETTER OF REFUSAL THAT THE TREE "WOULD RESULT IN HARM TO THE VISUAL AMENITY OF THE AREA" HOW PATHETIC, WHAT ABOUT THE QUALITY OF LIFE FOR THE IMMEDIATE RESIDENTS, THEIR LIVES AND MINE ARE BEING RUINED BY THE LOCATION OF THIS TREE.

Please continue at section K or on a separate sheet if necessary

(CONTINUED)

Please provide at least one reason for each of the boxes you have ticked in section E. You must explain fully why you disagree with the council's decision, where one has been issued. To do this, you need to go through the reasons for the decision, and explain why you disagree. Only the reasons within the council's decision and the reasons put forward by you at application stage should be included on your appeal form. You should not introduce any new reasons for the appeal.

Your appeal should relate to the same works as those specified in your application to the council. Exceptionally we may be able to accept your appeal even if you are seeking a variation to the works originally applied for. We will only be able to do so if the changes do not materially alter the nature of the application and, if no one who should have been consulted about the proposed works would be prejudiced by our doing so. For instance, you may have originally applied for consent to crown thin a tree by reducing the percentage of leaf area by 20%, whereas on appeal you may seek a lesser reduction of 10%. However if on appeal you appear to be seeking more works than originally applied for, it is recommended that you submit a new application to the council rather than seek to amend your original application at appeal stage because the Inspector will not consider any works above those which were put forward in your application form.

Similar limitations apply in respect of the reasons you give for seeking consent, especially under the fast-track procedure where the council has no opportunity to respond to your grounds of appeal. The Inspector will only consider the matters that were before your council when the decision on your application was made. This means that if the reason you submitted on your application form was that the tree was causing overshadowing, you should not, on appeal make a claim that tree roots are causing subsidence. If you want to make a different case for the work applied for you should make a fresh application to the council.

We will also look at the original application to check that it clearly specifies the proposed work. If we decide that the works you have applied for are so vague that we cannot be sure how much work is involved, we may decide that the appeal is invalid and reject it. For example it is not sufficient to specify that you want to remove some of the lower branches, or you wish to reduce the tree by 15%. This is too vague and fails to indicate the extent of the works.

If you choose the recommended Fast Track appeal procedure (see section G) the reasons you set out below will be treated as your statement of case. It is important that you set them out in full because you will not get an opportunity to add to them later.

The decision on your appeal will take into account the contribution that the tree(s) make to the character and appearance of the area and the reasons set in support of your application/appeal. Please bear in mind that the Planning Inspectorate has no jurisdiction to resolve allegations of maladministration or complaints about the time taken by the Council to issue a decision, since such matters are not relevant to the merits of the proposal.

If you are appealing to fell a tree or against a condition requiring replacement planting please indicate the species and size of any tree(s) you would be prepared to plant if the appeal were to be allowed:

Number of trees and Species:

UP TO THE VALUE OF £1000.00 TO REPLACEMENT PLANTING
OF OAK TREES. AMOUNT DEPENDANT OF SIZE OF INDELEDANT
Size: TREE SIZE.

G. PROCEDURE – (See Section 9 of the Guide for Appellants before making your choice)

Appeals dealt with by the Fast Track procedure are usually decided more quickly than those which proceed through a hearing or a more formal local inquiry and because of this we recommend the Fast Track procedure.

However, if you or the Council ask to be heard by the Inspector we will organise a hearing which will take the form of a round table discussion. In very exceptional cases, where complex legal matters are at issue, a substantial number of third parties are involved and/or formal cross examination is warranted, we may decide to hold an inquiry.

Please tick one box only.

I wish my appeal to be decided through the Fast Track procedure

☐

I wish to appear and be heard by an Inspector

☒

H. SITE VISIT – Please note: no discussion about the merits of the case will take place during the site visit.

Are you willing for an Inspector to enter the site and conduct the visit unaccompanied?

Yes ☒

No ☐

If Yes, please give details below of anything the Inspector needs to know with regard to how to access the site:

EASY ACCESS THROUGH GARDEN GATE FROM DRIVEWAY

If No, please outline below why this is not possible, why you need to be there or why you need to be represented during the Inspector's visit:

Are there any Health and Safety concerns that the Inspector will need to be aware of prior to the site visit?

Yes ☐

No ☒

If Yes, please detail the concerns below:

I. SUPPORTING DOCUMENTS

In support of your appeal form please send a copy of your application for consent and a copy of the Council's decision (where one has been issued).

Please tick the boxes to show which documents you are enclosing and list any other documents you are submitting in the space below. If you cannot send a copy of the tree preservation order – we will ask the Council to send a copy together with the relevant background papers.

I enclose:

1. A copy of my application for consent

1 ☐

If you do not have a copy of your application please state the council's application reference number here (it should be stated on your decision if one was made):

2021/0873

2. A copy of the Council's decision (if one was issued)

2 ☒

J. CONFIRMATION

DECLARATION

June 2020

1. I understand that:

- a) the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my appeal.
- b) details from this form, including my name, the site description and reasons for making this appeal may appear on the Appeals Casework Portal.

By signing this form I am agreeing to the above use of the information I have provided.

2. I have completed all sections of the appeal form and confirm that the details are correct to the best of my knowledge.

3. I have sent a copy of this appeal form and enclosures to the Council.

Signature

Date 17 AUG 2021

Name (in capitals) MICHAEL WHICKEL

On behalf of (if applicable)

For more information about how we process your personal information please see "A Guide for Appellants (Tree Preservation Orders- consents for works)".

Please send the completed form and supporting documents to:

Trees and Hedges
Room 3A Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0303 444 5570

or e-mail it to: treeandhedgeappeals@planninginspectorate.gov.uk

What happens next:

- 1. You must send a copy of this completed form to the Council including copies of any supporting documents you send to us.
- 2. When we receive your appeal form we will check it against background documents supplied by the Council before telling you whether your appeal is valid.
- 3. At the end of the appeal process we will send you the Inspector's decision, including the reasoning in writing.

K. SUPPLEMENTARY SHEET

I AM WILLING TO DONATE A THOUSAND POUNDS (£1000.00)
FOR REPLACEMENT PLANTING TO OFFSET MY REQUEST IN THE
REMOVAL OF THIS TPO.

June 2020

(CONTINUED OVER)

I AM AT MY WITS END WITH THIS, AND I STILL
DO NOT BELIEVE THAT A REPRESENTATIVE FROM
BARSLEY COUNCIL HAVE EVEN CARRIED OUT A
SITE VISIT. THEY SEEM TO HAVE A BLANKET RESPONSE
TO THIS TYPE OF REQUEST AND DO NOT CONSIDER
THE IMPACT IT HAS ON THE RESIDENCE OF THE
IMMEDIATE AREA.

END.



BARNSELY
Metropolitan Borough Council

**Place Directorate
Regeneration and Culture
Planning and Building Control**

TPO REFUSAL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1999

APPLICATION NO. 2021/0873

To Mr Michael Whicker
11 St Christophers Close
Ardsley
Barnsley
S71 5DA

In pursuance of its powers under the above-mentioned Act and Regulations the Barnsley Metropolitan Borough Council as the Local Planning Authority hereby **refuses consent** for the proposals the subject of the plan(s) and application registered by the Council on the 05/07/2021 and therein described as:-

Remove Oak tree within TPO 40/2008

11 St Christophers Close, Ardsley, Barnsley, S71 5DA

The reason for the Council's decision to refuse planning permission is:

- 1 In the opinion of the Local Planning Authority, insufficient information has been submitted to justify the removal of the tree. As such the removal of the Oak Tree, which is subject to Tree Preservation Order 40/2008, is considered inappropriate and would result in harm to the visual amenity of the area.

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Signed

Dated 17/08/2021

Joe Jenkinson
Head of Planning and Building Control

PO Box 634, Barnsley, South Yorkshire S70 9GG



If the applicant is aggrieved by the decision of the Local Planning Authority to grant consent subject to conditions, he may appeal to the Secretary of State for the Environment, Transport and Regions in accordance with Section 198 of the Town and Country Planning Act 1990, within 28 days of receipt of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/24 Hawk Wind, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.



BARNSLEY
Metropolitan Borough Council

**Place Directorate
Regeneration and Culture
Planning and Building Control**

Mr Michael Whicker
11 St Christophers Close
Ardsley
Barnsley
S71 5DA

My Ref: 2021/0873
Your Ref:
Date: 5 July 2021
Case Officer: Rachael Roddis
Direct Dial: 01226 772578
E-Mail: developmentmanagement@barnsley.gov.uk

*ANNEXE
23/8. LEMUE*

Dear Sir / Madam,

APPLICATION NO: 2021/0873
DESCRIPTION: Remove Oak tree within TPO 40/2008.
LOCATION: 11 St Christophers Close, Ardsley, Barnsley, S71 5DA

Thank you for your application received on 22/06/2021.

The Case Officer who will be dealing with your application is Rachael Roddis. If you have any queries regarding the processing of your application, please do not hesitate to make contact using the details above.

We will endeavour to deal with your application as quickly as possible. However, we are required to advise you that if by 17/08/2021,

- You have not been given a decision, and
- You have not agreed in writing to extend the period in which the decision may be given,

Then you have a right to appeal to the Secretary of State for the Environment against the non-determination of your application under the provisions of the Town and Country Planning Act 1990.

You should appeal within 6 months (or 3 months for Householders) of the date given above and use a form from The Planning Inspectorate at 4/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

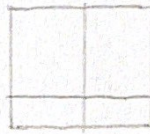
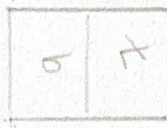
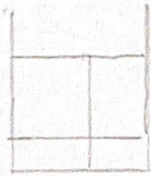
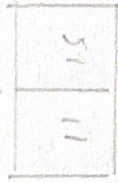
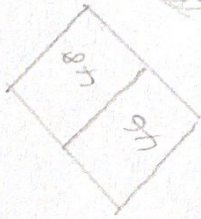
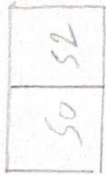
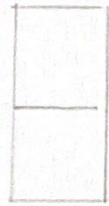
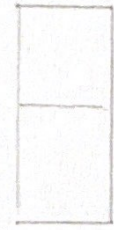
Please note that notwithstanding the above advice about your rights, we will make a decision on your application as soon as possible. Notice of our decision will be sent to you.

Yours faithfully,

Development Management

Development Management Team

ROEHAMPTON RISE



ST. CHRISTOPHERS

ST. ANDREWS WAY

ST PAULS