
2022/0337

Mr P Walker

Removal of 1no Beech tree within area TPO 6/1993

45 Bowden Grove, Dodworth, Barnsley, S75 3JB

Site Description

The tree in question is a Beech tree which is located along rear the boundary of 45 Bowden Grove, adjacent to the public footpath which runs along the rear boundaries of these properties, linking Bowden Grove with Water Royd Drive to the east.

This application relates to a mature, high amenity Beech tree which is, which is located within Area TPO 6/1993 and covers an area of approximately 2.2ha of a residential estate located off Keresforth Road.

Proposed Development

The applicant seeks permission to remove 1no Beech Tree within Area TPO 6/1993

Policy Context

The statute law on TPO's is in The Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities (LPAs) may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g. road or footpath for a TPO to be made but the courts have decided that trees should be protected for "pleasure, protection and shade they provide". Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is:- 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

The guidance states that 'LPAs must include in their plans land use and development policies designed to secure the conservation of natural beauty and amenity of the land. Plans should not, however, include policies which are unrelated to the development or use of land. They should not therefore include the LPA's policies for deciding applications for consent under a TPO; but they should include policies on measures that the LPA will take, when dealing with applications to develop land, to protect trees and other natural features and provide for new tree planting and landscaping.'

In deciding an application, LPA's are not required to have regard to the development plan. Section 54A of the Act, therefore, does not apply to the LPA's decision, which means that there is no general duty on the LPA to make their decision in accordance with the development plan.

Consultations

Forestry officer – no objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding residents; no representations have been received.

Assessment

Principle of Development

In line with good practice, primarily the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

- (1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- (2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

This application relates to a mature, high amenity Beech tree which is located along rear the boundary of 45 Bowden Grove, which is located within Area TPO 6/1993 and covers an area of approximately 2.2ha of a residential estate located off Keresforth Road.

The applicant seeks permission to removal of a significant and prominent Beech tree which is located in the rear garden of the property and immediately adjacent to a busy footpath used by school children to the rear.

Whilst reference has been made to a Copper Beech within the application form. There is no evidence of a purple canopy from aerial photography or following the Tree Officer's site visit to suggest the tree is a Copper Beech, however, a Copper Beech can be seen from street view as shown on the photo below. Therefore, the term Beech tree has been used to cover all variations of Beech trees.



The applicants have sought the advice of a Tree Surgeon and have reported their advice directly to the tree officer; issues raised relate to significant deadwood which is falling onto the path with some large pieces being dislodged. Following the inspection by their Tree Surgeon and his subsequent advice they have applied to remove the tree.

The tree officer reports that the Beech tree is showing signs of dying back and is losing bark from the stem. The tree officer considers that the tree is not necessarily imminently dangerous, and that works could be undertaken to remedy the risks, however, the issues with the tree will get worse and the tree will decline. Therefore, given that the tree is located adjacent to a public footpath it is

considered appropriate to remove and replace the tree at this stage rather than waiting for further decline. Therefore, the tree officer has no reason to contradict the Tree Surgeons advice in this instance and raises no objection to the proposal subject to condition and replacement planting which should be like for like and as such a new Beech tree will be required in its place.

Recommendations

Approve with Conditions