
2026/0109

Mr Warren Nixey

Remove Sycamore trees 1, 2 and 3 within TPO 16/1974

54A Dodworth Green Road, Dodworth, Barnsley, S75 3RT

Site Description

The application relates to three Sycamore trees situated to the north of the dwelling. The trees are situated within the rear garden space of the site. An attached property is located to the southeast of the dwelling. The trees screen the dwelling from the fields to the north of the site. The site is designated Green Belt.

Planning History

B/77/0004/LB/DO - Conversion of one dwelling into three dwellings with enlargement of outbuildings to form private garage, and conversion of cottage and coach house to one dwelling being a building listed as of special architectural and historic interest. – Historic Decision

B/77/0007/LB/DO - Conversion of existing coach house into two, three bedroomed cottages (see B/77/2133/DO) - Historic Decision

B/78/0002/LB/DO - Conversion and extension of coachhouse to form two dwellings (being a building listed as of special architectural or historic interest under Section 54 of the Town and Country Planning Act, 1977) - Historic Decision

B/87/0160/DO - Erection of extension to dwelling – Permission Granted

B/94/0433/DO/TF - Felling of 3 trees and removal of stump within Tree Preservation Order 16/74, Area A3 - Historic Decision – Consent Granted

B/98/1254/DO/TF - Fell three Sycamore trees within Tree Preservation Order. – Refused

B/04/2065/DO/TF - Crown reduce Sycamore trees within Tree Preservation Order No.16/1974 – Approved with Conditions

B/05/0628/DO/TF - Vegetation Management works to trees within Tree Preservation Order 16/1974. – Approved with Conditions

2006/1861 - Light crown lift five Sycamores trees and one Ash tree within Tree Preservation Order No. 16/1974 - Approve with Conditions

2011/0578 - Removal of Ash tree within TPO/16/1974. – Refuse

2011/1012 - Reduce lower two branches of Ash Tree T1 within TPO 16/1974 – Approved with Conditions

Proposed Development

The applicant is seeking permission to remove three sycamore trees.

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, LPAs 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 – Object.

Representations

Neighbour notification letters have been sent to surrounding residents. No representations have been received.

Assessment

Principle of development

In line with good practice, 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.

The trees subject to this application are medium sized and provide significant amenity value as a boundary softener between the site and the agricultural land to the north.

The Council's Tree Officer inspected the trees and has assessed them as follows:

"The trees which are subject to this application form part of an area of protected trees which covers the gardens of both 54 and 54A Dodworth Green Road. The trees which make up this Area TPO are prominent in the locality and as such have high amenity value.

The works proposed are to remove three Sycamore trees located in the garden of the applicants property, however little justification was provided and as such this information was requested and subsequently received via email on 27th April 2026.

The justification noted that T1 and T2 are twin stemmed and sway in the wind allowing the canopy to touch the side of the dwelling, it also asserts that these trees have no inherent strength given they are twin stemmed, however no clarification or explanation of this conclusion was provided. It was also noted that the gable of the house had to be rebuilt in the past due to large cracks in the wall which the applicant notes was possibly due to the trees, however no claims of damage have been made or evidenced as part of this application. Ultimately the justification for the removal of these two trees centres around perceived threats to the property and from the growth habit of the trees with no evidence or details of actual physical reasons this conclusion has been reached being provided. With regards to T3 the reasons for removal provided were that the tree leans towards the dwelling, causes shade and contributes towards damp issues. Unfortunately shade and damp issues are not reason to remove a protected tree as these are natural occurrences associated with all trees and the shelter they provide and likewise a lean to varying degrees is associated with most trees to some extent as very few are perfectly upright. Trees are self-optimising organisms and grow subject to the forces and conditions they are exposed to and as such having more than one stem or a lean on its own is not necessarily a matter for concern.

Unfortunately potential future damage and potential issues with the structure of the tree cannot be considered reason to remove trees without this being proven and evidenced as ultimately a similar claim could be made against any tree in close proximity to a property or with a twin/multi-stemmed trunk or a lean. Regrettably we have no option but to refuse the application to remove these three trees due to a lack of justification and evidence to demonstrate that this is the only option.

Note: Assessments of tree condition and safety are based on a simple visual inspection from ground level. Comments should not be taken as a definitive assessment of tree health, as this should be carried out by a suitably qualified arboriculturist, possibly including a high level inspection. The applicant should be reminded of the owner's legal responsibilities to ensure that trees are regularly inspected and maintained in a safe condition."

In view of the above it is the opinion of the Local Planning Authority that the proposed removal of the three Sycamore trees has not been satisfactorily justified. Issues relating to the structure of the property and the possible threat of the tree to the property have been raised, however no justifiable evidence has been provided to substantiate these claims. Issues related to shade and dampness do not substantiate the removal of a tree protected under a Tree Preservation Order as these are natural occurrences associated with most trees. As such, the removal of the three sycamore trees protected under TPO 16/1974 has not been justified.

Recommendations

Refuse