

Application Reference Number:	2025/0958
Proposal Description:	Remove 8 Poplar trees (G1) within TPO 1/1951.
Location:	Cannon Hall Open Farm, Bark House Lane, Cawthorne, Barnsley, S75 4AT.

Recommendation:

Approve subject to conditions

Site Description

The application site relates to Cannon Hall Open Farm, Bark House Lane, Cawthorne, Barnsley, S75 4AT. The site is part of a woodland; the surrounding area is predominantly agricultural in character. The site is close to the cannon hall farm, which attracts visitors for tourism. The site is only accessible via road routes and via foot.

Planning History

No recent or relevant applications.

Proposed Development

The applicant has proposed to Remove 8 Poplar trees (G1) within TPO 1/195, these trees are within a woodland.

Relevant Policies

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

Trees – No objections, subject to the following condition:

- Within the first planting season the 8 Poplar tree to be removed shall be replaced by 8 new Oak trees (*Quercus robur*). The replacement trees shall be planted one within 2m of each tree to be removed. Specification: Heavy Standard trees (stem diameter 10-12cm) shall be planted and affixed (with flexible tree ties) to a tanalised tree stake (minimum diameter 75mm) at a height of no more than 1m above ground level. In order to aid establishment a suitable mulch shall be applied (e.g. semi-composted woodchip to a minimum depth of 75mm) around each tree to a radius of 1m. The trees shall be watered immediately after planting then whenever required to ensure successful establishment. Within two weeks of planting the Local Authority Tree Officer shall be informed and invited to inspect the new trees. The new trees shall be subjected to a Tree Preservation Order in replacement of the felled trees. Any tree which fails to become established within 5 years from planting shall be replaced with another tree of the same original specification.
- Not less than five working days' notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.

Representations

The application was advertised with a site notice and available to view on the Council's Planning Explorer website. No comments have been received

Assessment

The main issues for consideration are as follows:

- TPO Trees.

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Trees

The Council's Tree Officer is required to be consulted upon in regard to this application as they are able to give professional advice to the information that has been submitted. The Tree Officer has made the following comments in regard to the application:

"The trees subject to this application are large Poplars in a significant state of decline located on the woodland edge. The trees have high amenity value as part of the woodland.

The trees are all suffering from significant levels of decay and are very much at the point where they will fail in the relatively near future and have reached the end of their safe retention span. Ideally the trees would be felled as intact as possible and left to decay on the woodland floor as would occur naturally if they were allowed to fail, however we are not in a position to insist on that.

In order to avoid the degradation of the woodland edge new tree planting will be required, given the large trees to be removed Oak trees have been selected as a suitable native, long lived, large tree with high ecological value

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".

The Tree Officer therefore has no objections to the scheme, subject to the conditions outlined above in the consultations section of the report. Substantial weight has been given to this section in regard to planning weight.

Planning Balance and Conclusion

The information that has been submitted to the LPA is sufficient to justify the loss of a TPO trees. The Council's Tree Officer has given their professional advice on the scheme and has not objected to the scheme. In light of the information above the proposal is recommended for approval subject to conditions.

Recommendation

Approve subject to conditions

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.