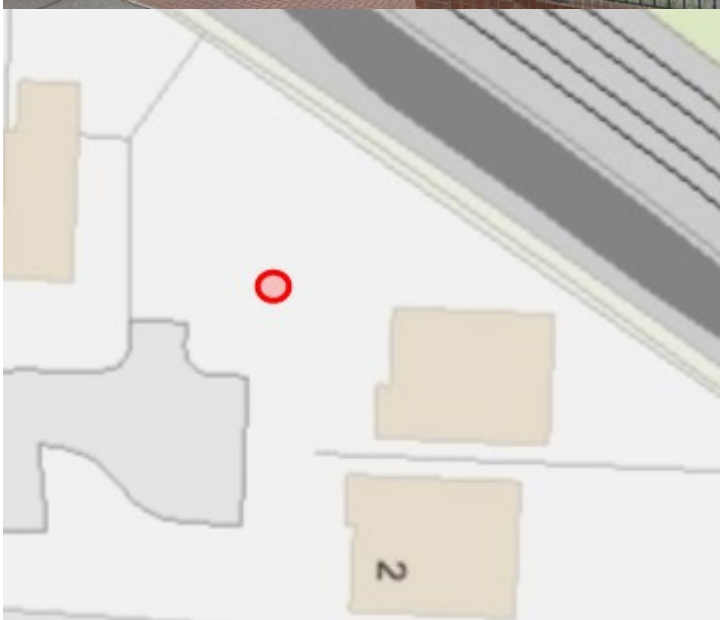
2022/0804
Mr Mark Acres

Crown lift to 2.5m and thin Ash Tree T1 removing no branches larger than 10cm with works not removing more than 20% of the trees leafing area overall within TPO 9/2002

4 Ashleigh Vale, Kendray, Barnsley, S70 3BL

Description

The application is in reference to a large prominent Ash tree located in the front/side garden of the applicant's property.



Proposed Development

The applicant seeks to crown lift the Ash tree T1 to 2.5m and crown thin, removing no more than 20% of the trees overall leafing area with no branches greater than 10cm in diameter.

Policy Context

The statue law on TPO's is in the Town and Country Planning Act 1990 and in the Town and

Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities 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.

Consultations

Tree Officer– This application is to crown lift the Ash tree T1 to 2.5m and crown thin removing no more than 20% of the trees overall leafing area no branches greater than 10cm in diameter.

The Ash tree is a large prominent specimen with high amenity value. The tree has not been worked on for some time as the works of a previous application in 2019 were not undertaken. As such the crown lifting and thinning works proposed will not be detrimental to the tree. Although removing a reasonable amount of the trees leafing area it is proposed to keep the pruning wound size to a minimum by only removing branches with a diameter of less than 10cm.

The pruning works will serve to improve access under the canopy of the tree the tree and lighten the canopy which will benefit the garden area. Given that the pruning wounds are to be kept to a minimum then there are no objections to the pruning works proposed.

Representations

Neighbour letters were sent to surrounding properties; one comment was received in support of the application.

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.

As mentioned by the Tree Officer in his response, the works described are considered to be reasonable but will serve to improve access under the canopy of the tree and will lighten the canopy which will benefit the garden area. No objection has been raised from the Tree Officer subject to appropriate conditions and informatives.

Recommendation

Approve with conditions

Conditions:

1 The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure the work accords with good arboricultural practice.

2 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.
Reason: To ensure the work accords with good arboricultural practice.

Informative(s):

1 Before proceeding with the notified works, you should ensure that you have the permission of the owner, and comply with all other relevant legislation, for example it is an offence to disturb nesting birds, and bat roosts.