



Appeal Decision

Site visit made on 11 May 2026

By Simon McGinnety MSc M. Arbor. A

an Inspector appointed by the Secretary of State

Decision date: 04 August 2026

Appeal Ref: APP/TPO/R4408/11110

108 High Street, Shafton, Barnsley S72 8NJ

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order (TPO).
 - The appeal is made by Charles Gregory against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref: 2025/0452, dated 17 May 2025, was refused by notice dated 23 January 2026.
 - The work proposed is the felling of 1 sycamore tree.
 - The relevant TPO is the Barnsley Metropolitan Borough Council Tree Preservation Order No. 13/2003 Rear of 88 High Street, Shafton, Barnsley, which was confirmed on 22 March 2004.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed felling on the character and appearance of the area and whether sufficient justification has been demonstrated for the felling.

Reasons

Character and appearance

3. The appeal property is a semi-detached terraced house on the eastern side of High street, in the village of Shafton. The rear garden of No 108 is accessed from a driveway to the north of the house and on the eastern boundary of the garden, is a two story, detached stable block, with a small path to the south of this structure.
4. The appeal tree is a mature sycamore within the expansive grounds of a property that is set further to the south on High Street, and it is positioned close to the south east corner of the stable block structure that sits within the garden of No 108.

5. The appeal tree appears to be in reasonable condition with a healthy bole and crown and there is nothing before me to demonstrate otherwise. The form of the tree has developed to fit into its surrounds and while not unattractive, the crown is uneven and there is a small lean on the stem.
6. Nevertheless, despite the relatively healthy condition of the appeal tree, in my judgement, based on my site visit and with consideration to the areas from which the tree is visible to the public, I find that the tree is not significantly prominent on the landscape and is only somewhat visible from outside the site.
7. There is a very small gap within the houses to the north of No 108 where it can be glimpsed, and the top of the crown is visible from the risen sections of Manor View, opposite and to the west of No 108. It is partially visible from Chapel Street to the north, but from this position, it is in part obscured by a neighbouring tree. The appeal tree is likely to be visible to residents in the surrounding properties when viewed from within their gardens and through windows and in addition, I have afforded some weight to future visual amenity, as the tree is likely to become more visible from Chapel Street and Manor View as it increases in height.
8. Notwithstanding this, in my judgement, even taking into account future growth, the removal of the tree would have a modest effect on the visual amenity and the character and appearance of the area.

Justification

9. There is nothing before me, and nothing I noted on site that leads me to conclude that the tree is in an unhealthy or dangerous condition and that its removal is necessary on arboricultural grounds.
10. It is obvious even to the untrained eye, that the stable block structure in the garden of No 108 is in a considerable state of disrepair, with loose brick work, large cracks throughout, an uneven and displaced roof ridge and a raised section of floor. The damage is outlined in the part structural report (Alan Wood and Partners report dated 15 May 2025), where the conditional deficiencies of the building are set out and a series of recommendations are made for remedial works and further investigation. Of note within the report, is the opinion in the conclusion that the property has deteriorated through 'a lack of maintenance and wear and tear'.
11. The appellant also provided a tree report, however, I do not find the tree report offers any substantive additional information relating to the cause of the damage that would supersede the conclusions identified within the part structural report. The tree report does confirm that the root protection area of the tree overlaps the footprint of the structure and it is reasonable to accept that the tree is within an influencing zone of the stable block.

12. Based on the information provided in both these reports, there is nothing compelling to allow me to conclude with any confidence that the tree has caused damage, nor that damage is inevitable to the extent that the removal of the tree is necessary to abate it. The part structural report gives a comprehensive overview of the condition of the stable block, but it does not identify the tree as a causal factor in the damage, nor make a recommendation to remove the tree.
13. I acknowledge that taking into account the diameter of the tree and the proximity of it to the stable block, any major repairs may require some excavation within the root protection area, as calculated using British Standard BS:5837 (2012). In addition, some branch removal may be necessary to facilitate repairs to the roof and I have afforded this some weight.
14. The Council asked for more evidence to support the link between the damage and the tree, and ordinarily in the case of alleged subsidence, this may take the form of soil analysis, root samples or crack/level monitoring. The extent for which this type of detail would be applicable in this instance and in relation to the nature of the damage to the structure is not in my opinion obvious.
15. Nonetheless, it is a reasonable expectation for detailed evidence to be provided where the removal of a protected tree is proposed on the grounds of structural damage. In this instance, it could be in the form of ground excavation or trial pits to demonstrate that tree roots are present and that they may have contributed to the damage, or an engineer report providing a link between the damage and the adjacent vegetation.
16. The paving adjacent to the stable block is damaged and distorted. It is possible that this is the result of tree roots, but it is minor and repairable damage.

Conclusion

17. As with any application to carry out works to a protected tree, a balancing exercise needs to be undertaken. The necessity for the works applied for must be weighed against the resultant harm to the character and appearance of the area.
18. My decision in this appeal is finely balanced. I find that the information provided by the appellant is not compelling enough to demonstrate that the appeal tree has caused damage to the stable block, nor that there is an inevitability that it will cause damage. As such, in relation to the second main issue set out in paragraph 2, *whether sufficient justification has been demonstrated for the felling*, I find the evidence to support the justification for felling is lacking.
19. Nonetheless, in relation to the first main issue, *the effect of the proposed felling on the character and appearance of the area*, I find that the proposed felling

would not give rise to anything more than modest harm due to the inconspicuousness of the tree from many areas of public vantage.

20. In my judgement, the balance is marginally tipped in favour of dismissal when taking into account the future effect on the character and appearance of the area as the tree grows. Having considered this and all other information before me, the appeal is dismissed.

Simon McGinnety

INSPECTOR