

Application reference number	2026/0270
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Application Type	Full
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Proposal Description:	Remove damaged sycamore tree within TPO 13/2003
Location:	90 High Street, Shafton, S72 8NH

Applicant	Susan Cairns		
Number of Third Party Reps	3	Parish:	Shafton
		Ward:	North East Ward

SUMMARY

The application seeks TPO consent to remove damaged sycamore tree within TPO 13/2003.

This application came about as a result of wind damage earlier in the year which was attended by a Council official from the team who manage Council owned trees as well as a tree surgeon, both noted that the tree would now be very much prone to further damage as a result of the companion shelter being lost.

There are two objections and one letter of support for the proposal.

On balance, the removal and replacement of the tree is the best option in this instance. It is noted that a replacement tree will be required, and a subsequent condition will be added to the decision notice to ensure the visual amenity of the area is retained.

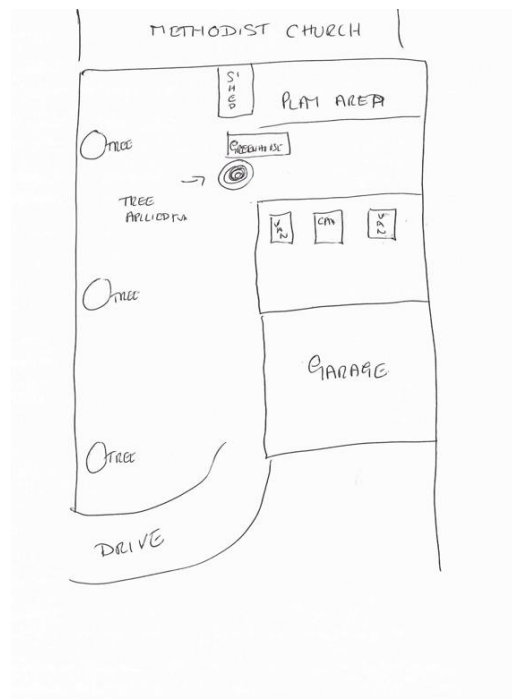
The proposal is therefore considered to be acceptable in accordance with the relevant regulations

Recommendation: **GRANT Permission subject to conditions**

TPO Plan



Site plan



Site Description

The site is located to the rear of 90 High Street Shafton. The site is a residential end terraced property fronting High Street within the heart of Shafton. The tree is an early mature/mature Sycamore located in the garden of the property and is one of many TPO trees at the property. The tree is a prominent feature and part of the wider tree population of the garden and is clearly visible to the many residents who back onto the garden. The tree therefore has significant amenity value.

Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
B/02/0271/HR	Erection of rear single-storey extension.	Historic
B/90/1681/HR	Change of use from shop to dwelling and installation of new window and door	Historic

Detailed Description of Proposal

The applicant seeks permission to remove the damaged sycamore tree within TPO 13/2003.

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.

Adopted Supplementary Planning Documents

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Trees and Hedgerows

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Relevant Consultations:

Tree Officer – Approve with conditions.

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Neighbour notification letters were sent to 12 surrounding properties, 3 representations were received, 2 with objections and 1 in support of the proposal. The objectors made the following points:

- Pruning rather than removal would be more sensible.
- Only 5 trees within the TPO remaining.
- Impacting on drainage within the area
- Loss of habitat for wildlife
- Loss of a beautiful tree
- Lack of justification/ evidence
- Previous replanting has not occurred.
- Questions the actual damage to the tree.
- Impact on visual amenity within the area

The comments have been noted. The applicant has provided the Tree Officer with additional justification for the tree removal, and the Officer is satisfied with the submitted information.

Assessment

The main issues for consideration are as follows:

- The principle of the development
- The impact on the character and amenity of the area
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For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable

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

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 tree subject to this application is prominent and provides significant amenity value.

The Council's Tree Officer requested additional information from the applicant in order to assess the application

On receipt of the additional information, the Council's Tree Officer inspected the tree and has assessed it as follows:

"This application is a result of wind damage earlier in the year. The tree was attended by a Council Official from the team who manage Council owned trees and a tree surgeon. Both noted that the tree would be prone to further damage as a result of the companion shelter being lost. The Council's Tree Officer concurs with this evaluation as the remaining limbs/stems will now be exposed to forces from wind in which they were not exposed to previously and will not be fully adapted to withstand the elements.

Works to reduce the remainder of the stems was noted as an option but this would have required a heavy reduction and ongoing significant maintenance to the prolific regrowth which would inevitably occur. This would in the first instance be a significant management burden given the nature and speed of the regrowth and, given the tree's location, management in this way would significantly diminish the trees' amenity value and the reason for it to be protected.

On balance a replacement tree is considered the best option after the removal in this instance. This will be conditioned to ensure a suitable replacement is provided.

The Tree Officer was presented with the objection letters as part of the assessment. It is acknowledged that the tree holds an amenity value, however, given the structural damage to the tree and the potential for additional damage in the future, on balance the Tree Officer supports the proposal, and this holds significant weight in favour of the scheme. Additional planting will be required which should help bridge the visual loss of this significant tree.

PLANNING BALANCE & CONCLUSION

A full assessment by the appropriate consultee who have raised no objections to the proposal and holistically this weighs moderately in favour of the application.

The proposal is therefore, on balance, recommended for approval.

RECOMMENDATION Approve with conditions.

Justification

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

The LPA have worked proactively with the applicant to make the necessary amendments to ensure the development is compliant with the development plan.

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.