
2024/0978

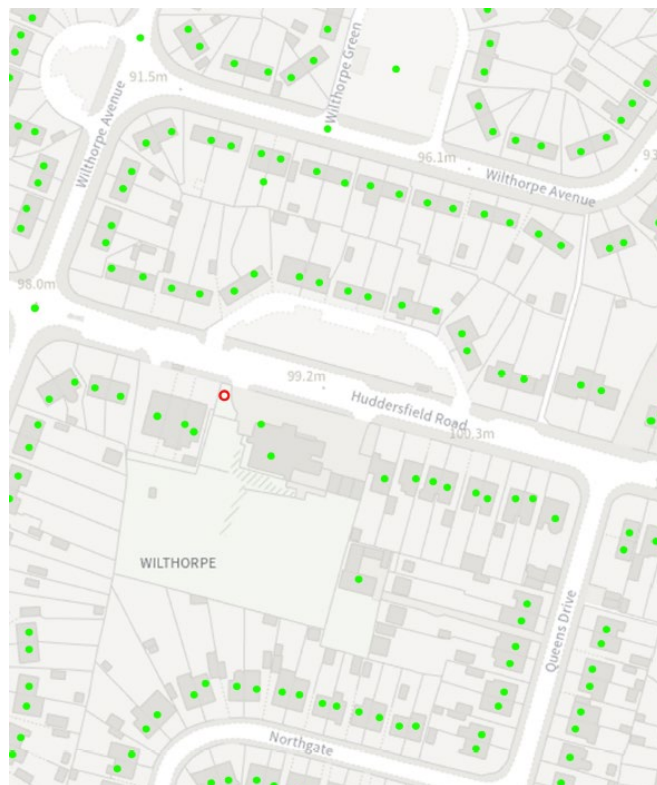
Tesco Express

Tesco Express, Huddersfield Road, Barnsley, S75 1HA

Crown reduce London Plane by 30% (of leafing area) within TPO 2/1976.

Site Description

This application relates to mature London Plane tree specimen located to the north-west of the Tesco Express store and within its curtilage. The tree is elevated above the ground level of the adjacent car parks and overhangs the retaining boundary wall with 164 Huddersfield Road. The neighbouring property comprises a ground floor Laundrette and first floor flats with parking to the front which also abuts the retaining boundary wall.



Planning History

There is an extensive planning history associated with the application site. However, the most recent and relevant application is:

1. 2012/1161 – Crown reduce by 2-3 metres at side of 164 Huddersfield Road, London Plane Tree T1 within TPO 2/1976. – Approved.

Proposed Development

The applicant is seeking permission to crown reduce a London Plane by 30% (of leafing area) within TPO 2/1976 to reduce the impact of overhanging on 164 Huddersfield Road.

Policy Context

The statute law in relation to Tree Preservation Orders (TPOs) is included in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The purpose of a Tree Preservation Order (TPO) is to protect trees which bring significant amenity benefit to the local area. Local planning authorities protect trees in the interests of amenity by making Tree Preservation Orders (TPOs) which prohibit the cutting down, uprooting, topping, lopping, wilful destruction or wilful damage of protected trees without the consent of the local planning authority.

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. Generally, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. 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 in relation to the administration of TPOs is available in the 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

This guidance states that 'local planning authorities 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 local planning authority's policies for deciding applications for consent under a TPO; but they should include policies on measures that the local planning authority will take, when dealing with applications to develop land, to protect trees and other natural features and provide for new tree planting and landscaping.'

As such, in deciding an application, local planning authorities are not required to have regard to the development plan. Section 54A of the Act, therefore, does not apply to the local planning authority's decision, which means that there is no general duty on the local planning authority to make their decision in accordance with the development plan.

Consultations

Forestry Officer – No objection subject to conditions.

Representations

Neighbour notification letters were sent to surrounding properties. One representation was received objecting the proposed tree works for the following reasons:

- The work required is much more extensive than that covered in the application.
- This tree which is situated on Tesco land is causing damage to both ours and Tesco boundary walls which are fractured and displaced.
- The tree needs totally removing otherwise it will push these boundary walls over and is a danger to the public.
- The other trees in this area also need substantial trimming as they encroach on our property to a great extent.

Whilst the concerns raised are acknowledged, the Local Planning Authority (LPA) can only consider the works that have been proposed. In this instance, crown reduce London Plane by 30% (of leafing area) within TPO 2/1976 to the tree shown on the Location Plan.

The tree is well-established and holds significant aesthetic value, and therefore any potential future application to remove the tree would need to be supported by clear and unequivocal evidence that the tree poses a significant risk to the structural integrity of the wall. It should also be evidenced that the wall could not be repaired without causing significant harm to or requiring the removal of the tree. This should also take into consideration other factors such as vehicular movements which could be a contributing factor to the existing damage. I note that historic Google Streetview images show some of the cracks in the wall have been present since at least 2008.

A response to the objection was issued on 16th January 2025, which outlined the above details.

Assessment

Principle of Development

The purpose of a Tree Preservation Order (TPO) is to protect trees which bring significant amenity benefit to the local area. In considering a TPO application the local planning authority 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 the proposal is justified, having regard to the reasons put forward in support of it.

Trees

The tree is a large mature London Plane specimen located to the north-west of the Tesco Express store, within its curtilage and immediately adjacent to Huddersfield Road. The tree is clearly visible from the surrounding public realm and is positioned in a highly prominent location. The tree therefore has a high amenity value.

The proposed crown reduction by 30% (of leafing area) would ultimately maintain the current shape and aesthetics of the tree whilst minimising any impacts of the tree on the neighbouring property, 164 Huddersfield Road, including a reduced overhang. Usually, crown reductions are avoided where possible because if done incorrectly, they can damage both the health and the aesthetics of a tree. However, in this instance, the tree is located in a restricted rooting area, and as such, the proposed

works would reduce the water and nutrient demand of the tree, therefore reducing pressure on the tree from its restricted rooting environment.

The proposed crown reduction by 30% (of leafing area) would equate to approximately a 10-12% physical reduction in branch length. The impacts of the proposed work aesthetically would therefore be minimal. On balance, it is therefore considered that the proposed works are acceptable in this instance.

The Forestry Officer was consulted on this application, and in considering the above, no objection was raised from an arboricultural perspective.

**Recommendation -
Approve with Conditions**