

Application Reference Number:	2025/0599
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Application Type:	<i>Tree Preservation Order (TPO).</i>
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Proposal Description:	<i>Remove Ash tree T1 and Crack Willows T13 and T14, remove eastern stem and crown reduce remaining crown by 2-3m Goat Willow T4 and crown lift Cherry laurel T9 and G16 to 2.5m within TPO 5/2004.</i>
Location:	<i>4 Mysten Croft, Barnsley, S75 1EP.</i>

Applicant:	<i>Mrs Sanderson.</i>
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Third-party representations:	<i>X2 Comments.</i>	Parish:	
		Ward:	<i>Old Town.</i>

Summary:
<p>The applicant is seeking consent for the removal of Ash tree T1 and Crack Willows T13 and T14, the removal of the eastern stem and crown reduce remaining crown by 2-3m Goat Willow T4 and crown lift Cherry laurel T9 and G16 to 2.5m within TPO 5/2004.</p> <p>The proposal is considered acceptable from an arboricultural perspective and consent should be granted subject to necessary conditions.</p> <p>Recommendation: APPROVE subject to conditions.</p>

Site Description

This application relates to land forming part of a compact area of woodland located to the north (rear) of 4 Mysten Croft.

Planning History

The relevant planning history is as follows:

Application Reference	Description	Status
B/05/0918/BA/TF	Clear out rubbish, dead-wood and remedial prune trees within TPO No. 5/04.	Approved.
2013/0222	Removal of Cherry Tree (T1) within TPO 5/2004.	Approved,

Proposed Development

The applicant is seeking consent for the removal of Ash tree (T1) and Crack Willows (T13 and T14), the removal of the eastern stem and crown reduce remaining crown by 2-3m to Goat Willow (T4) and crown lift Cherry laurel (T9) and mixed group (G16) to 2.5m within TPO 5/2004.

Relevant Policies

The statute law in relation to Tree Preservation Orders (TPOs) is included within 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.

Representations

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

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

Two representations were received from two addresses comprising one in support and one providing comments seeking to arrange a site visit.

Informal comments were raised in relation to including additional works within the application. However, the LPA cannot require additional works to be required and can only consider the works that have been proposed. This application has been considered on this basis.

Consultations

Forestry Officer	<i>No objection(s) subject to condition(s).</i>
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Planning 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 of (1) above, to consider whether the proposal is justified, having regard to the reasons put forward in support of it.

Impact on Trees and Visual Amenity

The trees subject to this application form part of a compact woodland area located to the north (rear) of 4 Mysten Croft. While the woodland is considered to have high amenity value the trees subject to this application are located on the periphery and are generally considered to be smaller lower quality specimens than those more central to the group.

The trees to be removed are a young Ash tree (T1) and two dilapidated Crack Willows (T13 and T14). The young Ash tree is a self-set specimen which is located on top of a retaining wall above a neighbouring property and based on the visual inspection of the Council's Forestry Officer, it is evident that there is ground movement around this tree and that it appears that the land is beginning to slip. As such, the Council's Forestry Officer raised no objection to the removal T1 as the ground movement and level difference ultimately limit the trees retention span.

The two Crack Willows are considered poor specimens that have been poorly managed in the past. Ultimately, the Council's Forestry Officer considers that the nature of this species makes these trees unsuitable for this environment, and when coupled with their generally poor condition, the removal and replacement of T13 and T14 is considered a sensible option.

The three trees being removed will need to be replaced, and given the constraints of the application site, it is considered sensible to replace them with small to medium-sized native trees. Two new Silver Birch trees and a new Rowan tree have been specified.

It is also proposed to prune Cherry Laurel (T9) and a mixed group (G16) by crown lifting them to 2.5m to allow clearance and access under the canopies. The Council's Forestry Officer has raised no objection to the undertaking of this work as it is considered sensible maintenance.

It is also proposed to remove the dead/dying eastern stem of a Goat Willow (T4) and then crown reduce the remaining two stems by 2-3m. The removal of the eastern stem is required and as such the reduction of the other two, despite not generally being considered desirable, is sensible in this instance given the loss of companion shelter through the removal of the eastern stem. The reduction works would likely reduce the stresses from wind on the tree and give it the best chance to recover and adapt to the loss of the eastern stem.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal is considered acceptable from an arboricultural perspective and consent should be granted subject to necessary conditions.

RECOMMENDATION: Approve subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of this application, as it was deemed acceptable.

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 representations, 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.