

2021/0512

Mr Curtis

Re-pollard Holly trees (G3) within TPO 9/2003

Sunnybank, Norville Crescent, Darfield, Barnsley, S73 9HG

Site Description

The application relates to a cluster of Holly trees within an area of group and individually protected specimens at Sunnybank, accessed from Norville Crescent



Proposed Development

The applicant is seeking permission to re-pollard the cluster of Holly trees within the TPO.

Policy Context

The statute on Tree Protection Orders (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 – 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

Consultations

Forestry Officer – No objections, subject to conditions

Assessment

In line with good practice, the primary aim of a TPO is to protect the amenity value of the tree(s). 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 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 proposal is to re-pollard the Holly's within G3 to bring them back into garden style maintenance. This work has been carried out previously and this is simply a repeat of this past maintenance.

There are therefore no objections to the proposed works due to it being a repeat of historic previous management.

Recommendation

Approve – subject to the following conditions:

1. The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure that adequate notice is given for the works to be inspected and approved by the Local Planning Authority.
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. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2. The granting of planning permission does not affect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk