

Application Reference Number:	2025/0452
Proposal Description:	Remove Sycamore tree T1 within TPO 13/2003
Location:	106 - 108 High Street, Shafton, Barnsley, S72 8NJ

Recommendation:

Refuse

Site Description

The application site relates to the rear of 106-108 High Street, Shafton, Barnsley, S72 8NJ. There is currently a mature Sycamore tree T1 within TPO 13/2003 at the rear. The site is within Shafton which is north of Cudworth and is Northeast of the centre of Barnsley. The site is only accessible via road routes. The area which surrounds the development site is predominantly residential in character, these properties are a mix of, detached, semi-detached and terraced dwellings. There are also a small number of commercial properties nearby, including a gym.

Planning History

No recent or relevant applications.

Proposed Development

The application to remove a mature Sycamore tree T1 within TPO 13/2003. The applicant has stated that this is due to damage to a building and was originally submitted with a structural engineer's report. Additional information was requested, but the information that was asked for was not provided. The LPA received a BS5837:2012 (BS5837:2012 Trees in relation to design, demolition and construction – Recommendations) report. The applicant is claiming that the tree is damaging a structure in the rear of their garden and thus has submitted this application.

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.

Consultations

Forestry officer – Refuse.

Representations

Neighbouring residents were consulted on the application. No representations have been received

Assessment

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 Council's Tree Officer is required to be consulted upon in regard to this application as they are able to give professional advice to the information that has been submitted. The applicant claims that the tree needs to be removed due to damage to a building. The scheme was originally submitted with a structural engineer's report which did not attribute any damage or issues with the building to the tree it was proposed to remove. In view of this further information

was requested to clarify the justification the applicant was putting forward for the loss of the tree.

The applicant then submitted a BS5837:2012 (BS5837:2012 Trees in relation to design, demolition and construction – Recommendations) tree report dated 12th September 2025.

The Council's Tree Officer has assessed the submitted report and stated that "The report is confused and does not contain the information required, it is in effect a tree survey associated with a planning application where trees are present on site which attempts to justify the removal of the tree due to floor level changes in the building and the disturbance of paving in the garden, it also notes potential future damage as a reason that the tree should be removed".

"The floor of the building being uneven was not attributed to the tree by the structural engineer and its removal was not noted as being required by them. The post submission tree survey does attribute level differences in the floor to the tree but does not evidence this or note why this conclusion has been reached. Likewise, no consideration to remedying this issue with the tree in situ has been given. The removal of a protected tree is a last resort when all other options have been exhausted. In this instance the issues with the building floor have not even been evidenced as being attributable to the tree let alone the options to remedy the floor whilst retaining the tree been explored".

"The path in the garden is noted as being uneven and this has been attributed to the tree by the arboricultural consultant, again no evidence as to why this conclusion has been reached has been provided. Paths and paving are light structures and are easily disturbed and issues with them easily remedied by relaying etc. Unless in extreme circumstances disturbance of a path could not be considered a reason to remove a protected tree, particularly in this instance where the alleged damage has not been proven to be attributable to the tree and remedying the damage with the tree in situ has not been considered. As noted previously the removal of a protected tree must be considered a last resort".

"The post application tree report also notes that the tree should be removed to prevent potential future damage to the building and fences. This stance is completely unjustifiable; accusations of potential future issues/damage could be levelled at any tree making TPO's effectively obsolete if considered sufficient reason to allow a tree to be removed. The removal of a TPO can only be considered when properly evidenced and all other options have been exhausted".

"In this instance (as noted above) no real evidence as to why the tree requires removal has been provided, the issues with the building were not attributed to the tree by the structural engineer and the application to remove the tree was submitted without any evidence to suggest its removal was required. The tree survey undertaken after the application had been received, apparently in light of our requests for the information which led to the accusations of the tree causing damage, does attribute any damage to the building floor and the garden path to the tree. Unfortunately, it does not evidence any of this and simply states this to be fact without any apparent investigative or monitoring work".

In light of the above the Council's Tree Officer has objected to the scheme to remove the tree as the issues noted with the building and the path have not been demonstrated to be attributable

to the tree. Likewise, no consideration has been given to remedying these issues whilst retaining the tree. Substantial weight has been given to this section in regard to planning weight.

Planning Balance and Conclusion

The information that has been submitted to the LPA is not sufficient to justify the loss of a TPO tree. The Council's Tree Officer has given their professional advice on the scheme and has strongly objected to the scheme. In light of the information above the proposal is recommended for refusal.

Recommendation

Refuse

Justification

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

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.