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**SUBJECT    TREE PRESERVATION ORDER  
              CONFIRMATION REPORTS**

**ITEM 8**

**REPORT OF**    Tree Officer

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<b>TPO NO.</b>	22/2008
<b>SERVED</b>	14 June 2008
<b>PARISH</b>	Ipsden
<b>WARD MEMBER</b>	Mr Nicholas Odd
<b>SITE</b>	1 Fir Close, Ipsden, OX10 6AH
<b>GRID REF</b>	SU 46361854
<b>OBJECTIONS RECEIVED FROM:</b>	Mr A Hughes and Ms H Cooper of 1 Fir Close
<b>CASE OFFICER</b>	Matt Gulliford

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**1.0 INTRODUCTION**

1.1 The purpose of this report is to enable the Committee to consider the one objection which have been made to TPO No 22 of 2008 since the order was served. The TPO protects 3 Scots Pine and 1 Horse Chestnut as a group.

**2.0 BACKGROUND**

- 2.1 The council's forestry team were consulted on planning application P08/E0625, which proposed a timber clad 1.5 bay garage. The proposal required construction of the vehicle access and the garage within the root zone of adjacent trees.
- 2.2 A tree officer visited the site assessing the trees and the impact of the proposed development. The trees that are the subject of this report appeared to be good specimens at the time of the inspection. The two smaller Pines trees to the north are suppressed but form part of the group. The trees are a significant feature of the site and contribute to amenity value of the surrounding area. They can be seen by the public from two different public highways and by other adjacent properties. (Photos are attached in appendix A)
- 2.3 As part of the consultation process the tree officer informed the planners of the negative impact the development would have in its current form. Advice was given on what steps could be taken to allow construction of the garage and access with out damaging the trees. (Copy of tree officers comments attached in appendix B)
- 2.4 Noted at the time of the site inspection by the tree officer there were three significant sized tree stumps further down the garden. When asked why the trees had been felled Mr Hughes informed the officer he had them removed because he didn't want them preventing his previous planning application from being approved (P08/E0294).

**3.0 REASONS FOR OBJECTION**

3.1 The reasons for objection received are detailed in two letters, one from Mr Hughes and one from Mrs Cooper, both of 1 Fir Close, Ipsden. Copies of the letters are attached and summarised below. (see appendix C)

- the trees have no amenity value.
- the trees do not warrant protection as they are common in the area.
- the trees are poor examples of these species.
- the Horse Chestnut tree is diseased. (Leaf Minor)
- the trees are already protected under a planning condition from a previous planning application.
- overly bureaucratic.

#### 4.0 **APPRAISAL**

- 4.1 When giving consideration to the confirmation of this order councillors are advised to take account of the following points which address the concerns raised in the objections above:
- 4.2 As part of the process when considering serving a tree preservation order a standardised amenity assessment is undertaken. This is to ensure a consistent approach is taken towards every tree assessed. Such practice is recommended as good practice in the government publication '*Tree Preservation Orders, A guide to the law and good practise.*' The trees achieved a good score against the assessment criteria, justifying their protection.
- 4.3 1 Fir Close is situated within a designated area of outstanding natural beauty (AONB). The two species of tree are common for the area as they thrive on the local climate conditions. As part of the assessment trees are scored on their value to the landscape/treescape. Consideration is given to the contribution they provide to designated areas such as an AONB. The trees achieved a good score justify their protection.
- 4.4 The trees are the remaining group of a woodland strip running along the western boundary of the property. The trees should be assessed as a group, not individually. As individual trees they would not be considered high quality specimens as they have grown up close together in unison competing for all available light, however as a group they have considerable presents on site. At the time of inspection there was no foreseeable evidence of significant structural weakness, disease or decay. The two smaller Pine trees are suppressed but in time may become more established adding to the character of the trees as a group.
- 4.5 The Horse Chestnut tree like thousands of others has been affected by a leaf disease known as Horse Chestnut Leaf Minor. This is a relatively new disease to the UK having come from central Europe in the last 3 or 4 years. The disease becomes apparent around July, the leaves turn brown and the tree defoliates prematurely. The long term effect on the tree is minor; the following spring the tree will flush again and continue to grow. It will most likely be re-infected the following year and repeat the pattern. The only known long term impact to the tree is smaller flowers and smaller conkers.
- 4.6 The trees are referred to in condition 3 of planning application, P08/E0294. The planning condition doesn't prevent the trees from being removed it just requires them to be replaced if they are removed within five years of the approved planning permission.

Central government guidance '*Tree Preservation Orders, A guide to the law and good practise*' recommends a TPO should be used as it ensures long term protection and any tree work operations will be done following best arboricultural practice, unlike a planning condition.

4.7 The serving of the order in a temporary form was considered necessary given the history of tree removal from the site in relation to previous planning application. This is confirmed in the information submitted as part of Ms Cooper’s objection letter. See paragraphs B, G and H. Verbally confirmed by Mr Hughes to the tree officer at the time of the site visit.

**5.0 POLICY & GUIDANCE**

5.1 The South Oxfordshire Local Plan adopted 2006 recognises the contribution that trees make to the appearance and character of towns and villages within the district and commits the council to preserving and retaining existing trees. These aims are embodied in policies C1, C6, C9, CON7 and A1 which seek to underpin the statutory duty of the council to protect trees of amenity value.

5.2 In order to ensure consistent interpretation of the TPO legislation guidance has been sought from the DETR publication “Tree Preservation Orders. A Guide to the Law and Good Practice”.

**6.0 CONCLUSION**

6.1 The tree are considered worthy of the Order because:

- the trees have public amenity value when assessed in line with government guidance and contribute to the character of the area of outstanding natural beauty.
- the trees are in good health, the leaf disease will have no significant effect on the sustainability of the Horse Chestnut tree as part of the group. The trees have considerable safe useful life expectancy i.e. over 20 years.
- the tree preservation order should be used as recommended by government as it offers long term protection unlike the planning condition.
- the preservation order will allow the trees to be managed following best arboricultural practise unlike the planning condition.
- there is a history of tree removal from the site. The remaining trees are an established feature of the landscape of the area and are worthy of retention.

**7.0 RECOMMENDATION**

**7.1 That Tree Preservation Order No. 22/2008 be confirmed.**

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**APPENDIX A: Site photographs**

**APPENDIX B: Forestry consultation response**

**APPENDIX C: Letters of objection**

## **APPENDIX A**

### **SITE PHOTOGRAPHS**

## **APPENDIX B**

### **FORESTRY CONSULTATION RESPONSE**

**APPENDIX B**

**LETTER OF OBJECTION**