

South Hams District Council
Town and Country Planning
(Tree Preservation) (England) Regulations 2012

PROTECTED TREE WORK: SPLIT DECISION

South Hams District Council has reached a split decision in regard to the proposed works – The decision is part refusal and part conditional consent.

Tree Preservation Order: GRANT of CONDITIONAL CONSENT

Application No: 1554/22/TPO

Proposed works: T231: Beech - crown height reduction by 2m. Due to poor condition and to allow Oak to take dominance.

T232: Yew - crown height reduction by 2m. For garden management. T233 & 234: Sweet Chestnuts - crown height reduction by 3m. For garden management.

T235 & T237: Beech - fell. For safety.

T236: Pine - fell. For safety.

T238: Sycamore - fell. For safety.

T263: Sweet Chestnut - crown height reduction by 2m; lateral crown reduction on NE side by 1m. For garden management.

T3: Quercus Ilex - lateral crown reduction on S side by 3m. To remove encroachment into garden.

T4: Quercus Robur - lateral crown reduction on S side by 3m. To remove encroachment into garden.

T2: Quercus Robur - lateral crown reduction (over Greystones) by 3m. To remove encroachment into garden.

Location: Greystones, De Courcy Road, Salcombe, TQ8 8LQ

Agent:

Mr Keith McBride
Dart Tree Consultancy
Wrigwell Estate
Ipplepen
Newton Abbot
TQ12 5UA

Applicant:

Proctor
Greystones
De Courcy Road
Devon, Salcombe
TQ8 8LQ

In pursuance of its powers under the above mentioned Act and Regulations, the South Hams District Council **Hereby GRANT Consent** for the operations **detailed below** following your application received on 6 May 2022.

- T235 Beech and T236 Pine fell with replanting

This consent is valid for a period of **2 years** from the date above.

Dated this 20 July 2022

(Application Ref: 1554/22/TPO)

Patrick Whymer

Head of Development Management Practice
for and on behalf of the Council

Subject to the following Conditions:

1. All approved pruning works are required to be undertaken in their entirety in accordance with B.S.3998 2010 Tree Work - Recommendations

Reason

To ensure all works are undertaken in accordance with current industry best practise as detailed within B.S.3998 2010 Tree Work - Recommendations and to ensure works do not deviate from attached conditions.

2. The removal of the above trees is granted, but a condition for the removal is that the trees be replaced with

T235 Beech. 1 x Tilia cordata 8-10cm Girth Selected Standard

T236 Pine 1 x Pinus sylvestris 1.75-2m 20 litre Containersied.

which are to be planted as close as practically possible to where the trees were removed.

The replacement trees to be planted in accordance with the above conditions are to be planted in the next planting season following the felling.

The planting and aftercare of the tree shall be carried out in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape recommendations and BS 4043: 1989 Transplanting root-balled trees.

The Local Authority is required to be sent images of the planted tree as soon as practically possible following the successful planting to confirm the Condition has been discharged.

If within a period of 5 years from the completion of the new planting, as Condition 1, the tree is cut down, felled, uprooted, removed, destroyed, or dies or becomes in the opinion of the Council, seriously damaged or defected,

(a) The Council shall be notified as soon as reasonably practicable; and

(b) Another tree of the same size and species shall be planted at the same location, at a time agreed in writing by the Council,

Unless the Council agrees in writing to dispense with or vary the requirement.

Any duty to replace trees felled under TPO or Conservation Area legislation transfers to a new owner if the land changes hands; and when not discharged lies as a charge upon the land likely to be revealed at conveyancing searches.

Reason

To ensure the continuity of succession tree planting which serves to contribute significantly to the public visual amenities of the local and wider landscape in accordance with Section 206 of the Town and Country Planning Act 1990.

You have a right of appeal against this decision.

It is important that you read the notes overleaf.

Dated this 20 July 2022

Patrick Whymer

**Head of Development Management Practice
for and on behalf of the Council**

(Application Ref: 1554/22/TPO)



South Hams District Council
Town and Country Planning
(Tree Preservation) (England) Regulations 2012

PROTECTED TREE WORK: SPLIT DECISION

South Hams District Council has reached a split decision in regard to the proposed works – The decision is part refusal and part conditional consent.

Tree Preservation Order: REFUSAL of CONSENT

Application No: 1554/22/TPO

Proposed works: T231: Beech - crown height reduction by 2m. Due to poor condition and to allow Oak to take dominance.

T232: Yew - crown height reduction by 2m. For garden management. T233 & 234: Sweet Chestnuts - crown height reduction by 3m. For garden management.

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Location: Greystones, De Courcy Road, Salcombe, TQ8 8LQ

Agent:

Mr Keith McBride
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Wrigwell Estate
Ipplepen
Newton Abbot
TQ12 5UA

Applicant:

Proctor
Greystones
De Courcy Road
Devon, Salcombe
TQ8 8LQ

With reference to your application under the Tree Preservation Order for the operations detailed **below** following your application received on 6 May 2022.

- T231, T232, T233, T234, T237, T238 & T263

In pursuance of its powers under the above mentioned Act and Regulations, the South Hams District Council **Hereby REFUSE Consent** for the following reasons:

Dated this 20 July 2022

(Application Ref: 1554/22/TPO)

Patrick Whymer

Head of Development Management Practice
for and on behalf of the Council

1. In light of the amenity value of the tree(s) and the significant impact that the proposed works will have on this amenity value, the Council refuses consent having given due consideration to the reasons put forward in support of the application. The Council does not consider that the reasons put forward outweigh the impact the proposed works will have on the amenity value of the tree(s).
2. Variance from the prescribed works is made where it is considered desired outcomes can be achieved by the alternative, lesser works, which are considered more appropriate and long term arboricultural management, based upon the tree condition and evidence supplied by the applicant. The alternative works will retain greater levels of the varied amenity benefits of the subject trees.

**You have a right of appeal against this decision.
It is important that you read the notes overleaf.**

Dated this 20 July 2022

(Application Ref: 1554/22/TPO)

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**Head of Development Management Practice
for and on behalf of the Council**

Your Right of Appeal

If you are aggrieved by the Council's decision to refuse consent or to grant consent subject to conditions, you can appeal to the Secretary of State. If you wish to appeal, you must do so in writing to:

The Planning Inspectorate
Environment Team
Room 3/25
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Your appeal must be received by The Planning Inspectorate **within 28 days** from the date you receive this decision. The Secretary of State has discretion to allow a longer period. Further information can be found online at: <https://www.gov.uk/appeal-decision-about-tree-order>.

Informative notes:

- 1 This decision is made under Part VIII of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012, and without prejudice to any other controls that may be in force, including those that relate to land ownership. It does not give you an automatic right to carry out works on, or above, somebody else's land.
- 2 It is an offence under the Wildlife and Countryside Act 1981 to disturb roosting bats or nesting birds. It is advisable to consult your tree surgeon/consultant to agree an acceptable time for carrying out any work. Wildlife and habitat controls are administered by Natural England.
- 3 A visual amenity assessment of the tree(s) was conducted from ground level, and the decision deals with the officer's site observations together with the relevant issues that have been raised. The only trees that the officer assessed were those detailed on the tree work application and the assessment specifically considered the proposed works in relation to amenity and the trees' health. The responsibility rests with the tree owner to have their trees inspected on a regular basis to address their duty of care. Inspections should be carried out by an independent arboriculturalist as the Local Planning Authority do not provide this service.
- 4 If you suffer any loss or damage which is caused or incurred in consequence of a refusal of consent, or a grant of consent subject to conditions, you may be entitled to recover from the Council compensation in respect of such loss or damage. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be submitted in writing to Development Management Case Management, South Hams District Council or West Devon Borough Council.
- 5 Most applications for tree works are now submitted online via the Planning Portal. Tree works applications are covered by Planning Applications online, available here: https://www.planningportal.co.uk/info/200232/planning_applications.

Dated this 20 July 2022

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