

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

Tree Preservation Order: REFUSAL of CONSENT
with AGREED LESSER WORKS

Application No: 2609/21/TPO

Proposed works: T103: Quercus Ilex - Crown raise to 2.5m from ground level to allow light. T104: Fagus Sylvatica - Remove to favour Scots Pine. T711: Acer Pseudoplatanus - Remove to favour Beech. T109: Quercus Ilex - Crown raise to 2.5m from ground for safety reasons. T110: Acer Pseudoplatanus - Remove to favour adjacent trees. T114: Quercus Cerris - Crown raise to 3m from ground level to provide clearance. T115: Acer Pseudoplatanus - Crown raise to 3m from ground level to provide clearance. T116: Acer Pseudoplatanus - Remove for safety reasons. T145: Acer Pseudoplatanus - Remove Western limb from base due to decay. T146: Quercus Ilex - Crown raise on West, North & East sides to 2.5m from ground for safety reasons. Removal of self seeded sycamore per plan as part of thinning operation.

Location: Bridleway House, Moulthill, Salcombe, TQ8 8LF

Applicant/Agent:

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

Applicant:

Mr C Jacobs
Bridleway House
Moulthaven Service Road
Moulthill, Salcombe
TQ8 8LF

With reference to your application under the Tree Preservation Order for the operations detailed above following your application received on 30 June 2021

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

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.
3. Prior to any consent for felling of saplings and further extensive tree works the Local Authority would require the submission of a long term Woodland Management Plan indicating exact trees to be removed, suitable replacement planting, management objectives, maintenance prescriptions and so on in the interests of promoting good woodland management and increase in associated amenity benefits.

Dated this 8 September 2021

(Application Ref: 2609/21/TPO)

Patrick Whymer

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

Agreed Lesser Works

1. T103 Quercus ilex - Refusal with lesser works allowed for a crown lift to 2.5m from ground level
2. T109 Quercus ilex - Refusal with lesser works allowed for a crown lift to 2.5m from ground level
3. T114 Quercus cerris - Refusal with lesser works allowed for a crown lift to 2.5m from ground level.
4. T115 Acer pseudoplatanus - Refusal with lesser works allowed for a crown lift to 2.5m from ground level.
5. T145 Acer pseudoplatanus - Remove western limb from base – Approval
6. T146 Quercus ilex - Refusal with lesser works allowed for a crown lift to 2.5m from ground level.

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

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.

You have a right of appeal against this decision.

It is important that you read the notes.

Dated this 8 September 2021

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Patrick Whymer
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.

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