



Appeal Decision

Site visit made on 28 June 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/TPO/K1128/8804

Bridleway House, Moulthaven Service Road, Moul Hill, Salcombe TQ8 8LF

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order.
 - The appeal is made by Mr Clive Jacobs against the decision of South Hams District Council.
 - The application Ref: 2609/21/TPO, dated 29 June 2021, was refused by notice dated 8 September 2021.
 - The work proposed is to carry out work program at point 3 in report TR-BRI-21; Remove self seeded young and semi mature sycamores per plan as part of thinning operation; T103 Quercus ilex - Crown raise to 2.5m removing secondary branches to allow light under tree for glade; T104 Fagus sylvatica - Remove to favour Scots pine; T711 Acer pseudoplatanus - Remove to favour adjacent beech; T109 Quercus ilex - Crown raise to 2.5m removing secondary branches for safety reasons; T110 Acer pseudoplatanus - Remove to favour adjacent trees; T114 Quercus cerris - Crown raise to provide a 3m clearance from ground pruning only second or third order branches; T115 Acer pseudoplatanus - Crown raise to provide a 3m clearance from ground pruning only second or third order branches; T116 Acer pseudoplatanus - Remove for safety reasons; T145 Acer pseudoplatanus - Remove western limb from base; T146 Quercus ilex - Crown raise to west, north and east to 2.5m for safety reasons; Replant per work program.
 - The relevant Tree Preservation Orders (TPOs) are the County of Devon (Salcombe) Tree Preservation Order 1957, which was confirmed on 4 June 1958, and the South Hams District Council Parish of Salcombe No:975 Tree Preservation Order 2019, which was confirmed on 11 September 2019.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Consent was granted for lesser works, covering the crown raising of the trees, as per the specifications on the decision notice. It is the refused works that the appeal relates to, and I have considered it on this basis. My decision does not affect the carrying out of those works which were approved.

Main Issues

3. The main issues are the effect of the proposed tree works on the character and appearance of the area, and whether sufficient justification has been demonstrated for those works.

Reasons

4. The land on which the trees are located lies to the southeast of Bridleway House, and adjoins its well-established woodland garden. The more southerly part of the land has a similar character to the adjacent garden, with mature trees set in close-mown grass, with informal paths. The northern section, however, has a more natural woodland character, with a denser canopy of trees, and a carpet of leaf litter below. The entire site comprises part of a densely wooded coastal slope which lines one side of the bay framing North Sands. It therefore makes a significant and positive contribution to the visual amenity of this spectacular landscape.
5. The proposed works include the removal of four mature, and early mature trees ranging from 8 – 18 metres in height, and with crown spreads varying from 3 – 7 metres. A group of young sycamores in the centre of the site would also be cleared. The cumulative impact of the works would result in a noticeable reduction in tree cover on the site. This would diminish the contribution that it makes to the overall wooded character of the coastal slope in views from the opposite side of North Sands, from the South West Coast Path on the other side of the estuary, and also from the water. The works would, therefore, be harmful to the character and appearance of the landscape. Accordingly, any reasons given to justify the works need to be compelling. It is to those reasons, the second main issue, to which I now turn.
6. The overriding reason that is given for the works is the aim to restore the woodland to an enriched status of native species, that provides a range of habitats for plants and wildlife. This would be achieved through allowing individual trees to thrive and prosper, whilst allowing light to the woodland floor to encourage the development of understorey, shrub, and field layers. Together with bringing the woodland under good management, it is argued that the works would ensure the longevity of the woodland, and provide wider public visual amenity to the locality.
7. Whilst these are laudable objectives, three of the trees to be felled (T104, T711 and T110), and the remaining group of sycamores, are located outside the dense area of woodland to the north of the site. Consequently, these trees grow in an area where the tree canopy is broken, and sufficient light reaches the floor to allow the establishment of a carpet of grass. I am not, therefore, persuaded that tree removal is necessary on this part of the site to allow the creation of an understorey of native woodland plants.
8. It is also contended that the removal of T104 *Fagus sylvatica* and T711 *Acer pseudoplatanus* is necessary to favour adjacent trees. I saw that T104 grows close to a Scots Pine. However, the Pine rises well above it, and its growth does not appear to be distorted or suppressed by it. T711 grows side by side with a similar-sized beech tree, and the canopies of the two trees grow together. This is not an unusual situation in a woodland environment, and there is no evidence that the health of either tree is suffering as a result of their close association, or that their longevity is jeopardised. I am mindful that neither has space to develop into a mature specimen tree, but the contribution that the site makes to the character and appearance of the area is as part of a wider canopy of mixed woodland, rather than as a collection of individual trees.
9. T116 is a mature *Acer pseudoplatanus*, which lies within a row of large trees that marks the transition from the grassed part of the site to the more natural

woodland to the north. The reasons given for its removal are for safety, and to favour adjacent trees. However, it grows in a group of oaks and sycamores that are considerably taller, and have wider canopy spreads. None of them are being suppressed by T116, and there is no evidence that its removal would be beneficial to their health or longevity. The tree does have a wound close to the base of its northern limb, but although this is referred to in the submitted Tree Report, there is no expert analysis, or diagnostic information, to demonstrate that the limb is liable to break or fall, or that felling of the entire tree is necessary to remedy any concern. Furthermore, in terms of the overall objectives for the site, it is unlikely that the removal of this narrow, and overtopped tree would result in a significant increase in the amount of light reaching the woodland floor.

10. I am mindful of the importance of good woodland management. The desire to restore the land, with a native understorey and ground flora is commendable. However, the submitted work programme only covers 3 years. Whilst it includes tree planting in Year 1, there is no plan to show where this planting would take place. Furthermore, there is no indication of how a native woodland ground flora would be established and maintained. Consequently, it is not clear how the works proposed under the appeal would contribute to the overall management objectives for the site. In the absence of a more detailed, and longer term, woodland management plan, I am not persuaded that there would be significant future benefits from the removal of the trees to outweigh the immediate harm to the character and appearance of the area that would result from their loss.
11. With any application to fell protected trees, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the proposed felling of the trees would result in harm to the character and appearance of the area, and, in my judgement, insufficient justification has been demonstrated for the proposed works.

Conclusion

12. For the reasons set out above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR