

Application No: TPO/0006/20

Site: Trecarnwenn, Mead End Road, Sway, SO41 6EH

TPO: Objection to the making and confirmation of Tree Preservation Order No. 0006/20 at Trecarnwenn, Mead End Road, Sway

Case Officer: Nik Gruber, Senior Tree Officer

Parish: Sway

1. REASON FOR COMMITTEE CONSIDERATION

Unresolved Objections

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. NATIONAL PLANNING POLICY FRAMEWORK

Section 11: Conserving and Enhancing the Natural Environment

4. PARISH COUNCIL COMMENTS

None received

5. REPRESENTATIONS

5.1 One letter of objection from the owners objecting to the TPO on the following grounds:

- The majority of the property cannot be seen from the road and does not contribute to the amenity of the area.
- The need to reduce the trees in order to prevent falling debris after twice being hit.
- Potential damage to the property's drainage system.
- Risk of damage to the property and users of the highway.
- There are too many trees, strangling the growth of some larger more important trees.

5.2 Communication has taken place with Hampshire County Council regarding the responsibility of trees on the front boundary with Mead End Road. A TPO on trees within the public Highway would not be necessary. It has since been confirmed by the trees are within the legal boundary of Trecarnwenn.

6. RELEVANT HISTORY

- 6.1 There is no known relevant tree preservation history.
- 6.2 Detached dwelling (reserved matters application giving details of design, external appearance and scale reserved under outline application 90037) approved on 5 December 2007.
- 6.3 Detached dwelling (demolition of existing hotel building, outline application with details of siting and access only) (06/90037) approved on 21 June 2006.

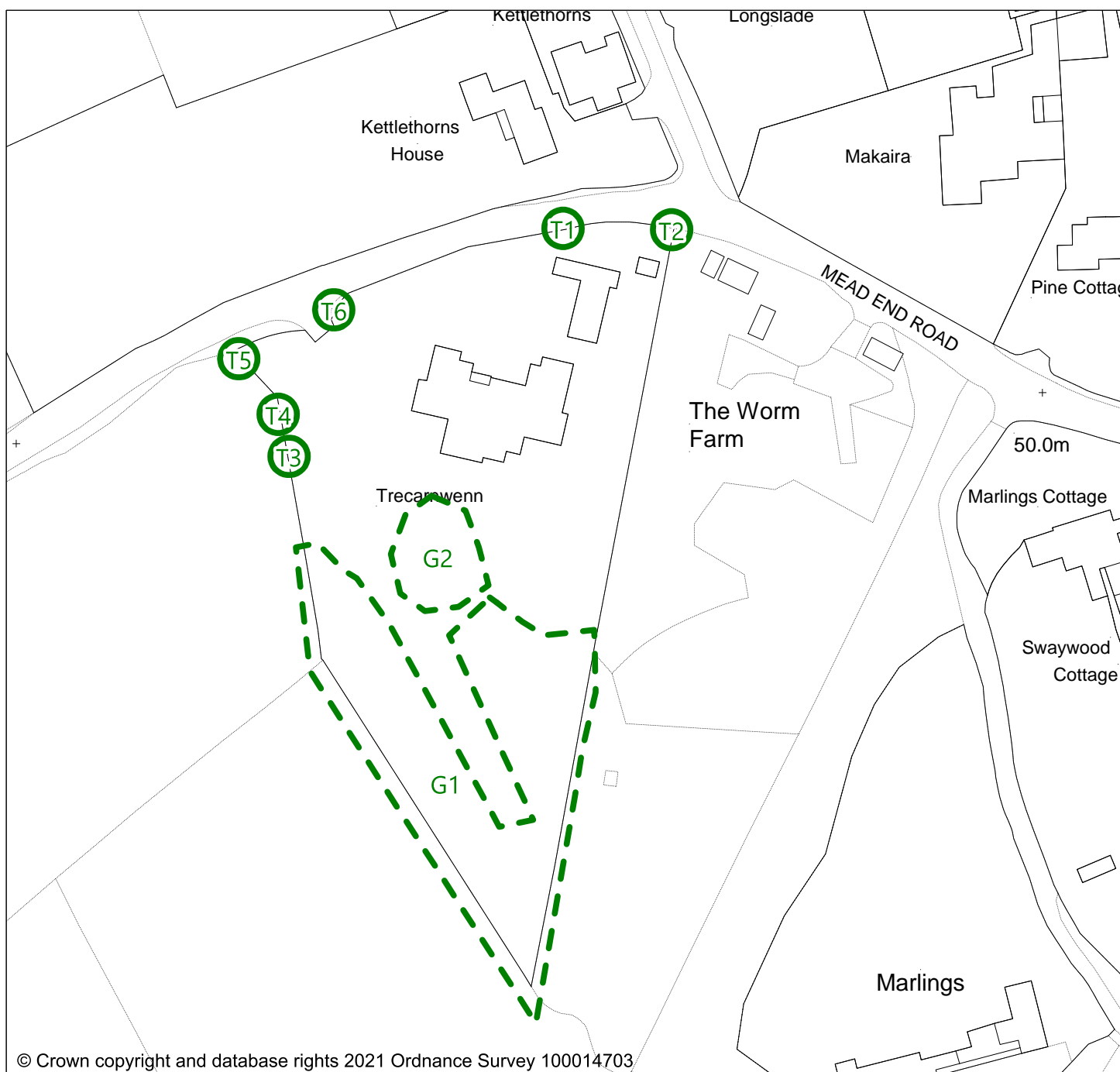
7. ASSESSMENT

- 7.1 Trecarnwenn is a large, five-bedroom detached property set in a garden of some 1.86 acres. The roughly triangular plot has its northern boundary with, and access from Mead End Road. There are various trees and shrubs marking the boundaries and within the garden. This rural location lies to the west of the village centre and the mature tree cover is typical of the character of area.
- 7.2 A Tree Preservation Order (TPO) will be made by the Authority to protect specific trees, groups of trees or woodlands in the interests of public amenity. A TPO prohibits the cutting down, topping, lopping, uprooting, wilful damage and wilful destruction of trees. This does not prevent reasonable or necessary works undertaken to it; only that those works will first require the written consent of the Authority following an application process (which is free for the applicant and is normally determined within six weeks). If an application is refused, there is a right of appeal to the Planning Inspectorate.
- 7.3 The basis upon which a TPO will be made varies but the trees in question should provide benefit, which is to say public amenity value, within the local environment and its wider enjoyment by the public. Many trees meet these criteria but in selecting trees for inclusion in a new TPO, it will also need to be expedient for the Authority to do so. It would therefore be expedient to make a TPO on such trees if the Authority considered there to be a risk of the trees being felled, pruned or damaged. It is not necessary for there to be an immediate risk and therefore changes of ownership or enquiries about development will be expedient grounds upon which to make a TPO.
- 7.4 On 24 November 2020, Tree Preservation Order 0006/20 was made as a matter of urgency following a confidential telephone call to the Authority that large mature Oaks trees were proposed to be felled. An 'Area' designation was used protecting all trees of whatever species until such time as a more detailed assessment could be made.

- 7.5 On 16 December 2020, the Authority's Senior Tree Officer met the owners on site to discuss the TPO in more detail and try to reach an agreement on which individual or groups of trees were worthy of protection.
- 7.6 General arboricultural advice was given on the best care and maintenance of the trees and specific trees were identified including five individuals (T1 – T5), to the front north and west boundaries and one Horse Chestnut (T6) adjacent to the entrance. A large group of 14 Oaks (G1) which are within the rear garden predominantly to the east and west boundaries and two Oaks (G2) which are within the rear lawn.
- 7.7 Following this meeting, further email correspondence was received from the owners confirming that if the two Oaks (G2) are to be protected, they will maintain their objection to the whole TPO. They also wished to see each tree identified individually and not as a group.
- 7.8 The mature trees on this property are considered to provide a public visual amenity to the area and, although not all individually significant, as a group they all contribute to the overall canopy cover. The two Oaks (G2) are visible from the public highway and have formed one canopy. Identifying each tree individually would not be considered best practice as they form a group with a single canopy. Identification on a plan where trees are so close together could also lead to further confusion and administrative errors.
- 7.9 It is therefore the case that the trees in question provide public amenity and that it would be expedient to confirm the TPO. There are no visible, major defects and the trees are not considered to pose a unacceptable risk. The comments raised in objection are noted, but for the above reasons are not considered to outweigh the need to confirm the Tree Preservation Order.

8. RECOMMENDATION

To confirm the Tree Preservation Order with modification



Tree Preservation Order Plan





Town and Country Planning Act 1990

TPO Number: 0006/20

Scale: 1:1250

Date Printed: 05/02/21

Key

-  Individual trees covered by TPO
-  Area of trees covered by TPO
-  Groups covered by TPO
-  Woodland of trees covered by TPO



**NEW FOREST
NATIONAL PARK**

New Forest National Park Authority, Lymington Town Hall, Avenue Road, Lymington, SO41 9ZG
Tel: 01590 646600 Fax: 01590 646666

SCHEDULE

SPECIFICATION OF TREES TPO/0006/20

Trees specified individually

(encircled in black on the Plan attached to this order)

Reference on map	Description	Situation
T1	Oak tree	Northern boundary of Trecarnwenn, Mead End Road, Sway as shown on the plan
T2	Oak tree	North East corner of Trecarnwenn, Mead End Road, Sway, as shown on plan
T3	Oak tree	Western boundary of Trecarnwenn, Mead End Road, Sway, as shown on plan
T4	Oak tree	Western boundary of Trecarnwenn, Mead End Road, Sway, as shown on plan
T5	Oak tree	North West corner of Trecarnwenn, Mead End Road, Sway, as shown on plan
T6	Horse Chestnut tree	Adjacent to the entrance of Trecarnwenn, Mead End Road, Swa, as shown on plan

Trees specified by reference to an area

(within a dotted black line on the Plan attached to this order)

Reference on map	Description	Situation
None		

Groups of trees

(within a broken black line on the Plan attached to this order)

Reference on map	Description	Situation (including number of trees in the group)
G1	14 Oak trees	Within the rear garden of Trecarnwenn, Mead End Road, Sway, as shown on plan
G2	2 Oak trees	Within the rear garden of Trecarnwenn, Mead End Road, Sway, as shown on plan

Woodlands

(within a continuous black line on the Plan attached to this order)

Reference on map	Description	Situation
None		

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER TPO/0006/20 Land of Trecarnwenn, Mead End Road, Sway, SO41 6EH

The New Forest National Park Authority, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Anyone wishing to undertake works to trees protected by TPO should apply in writing to the Authority clearly identifying the tree(s) and the work intended. A decision will usually be issued within six weeks. Application forms are obtainable from the Authority's website.

Citation

1. This Order may be cited as the TPO/0006/20 - Land of Trecarnwenn, Mead End Road, Sway, SO41 6EH.

Interpretation

2. (1) In this Order "the authority" means the New Forest National Park Authority.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -

(a) Cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this Twenty fourth day of November 2020

Signed on behalf of the New Forest National Park Authority

Authorised by the Authority to sign in that behalf.....DA Fisher

SCHEDULE

SPECIFICATION OF TREES TPO/0006/20

Trees specified individually

(encircled in black on the Plan attached to this order)

Reference on map	Description	Situation
None		

Trees specified by reference to an area

(within a dotted black line on the Plan attached to this order)

Reference on map	Description	Situation
A1	All trees of whatever species	Within the property Trecarnwenn, Mead End Road, Sway as shown on the plan

Groups of trees

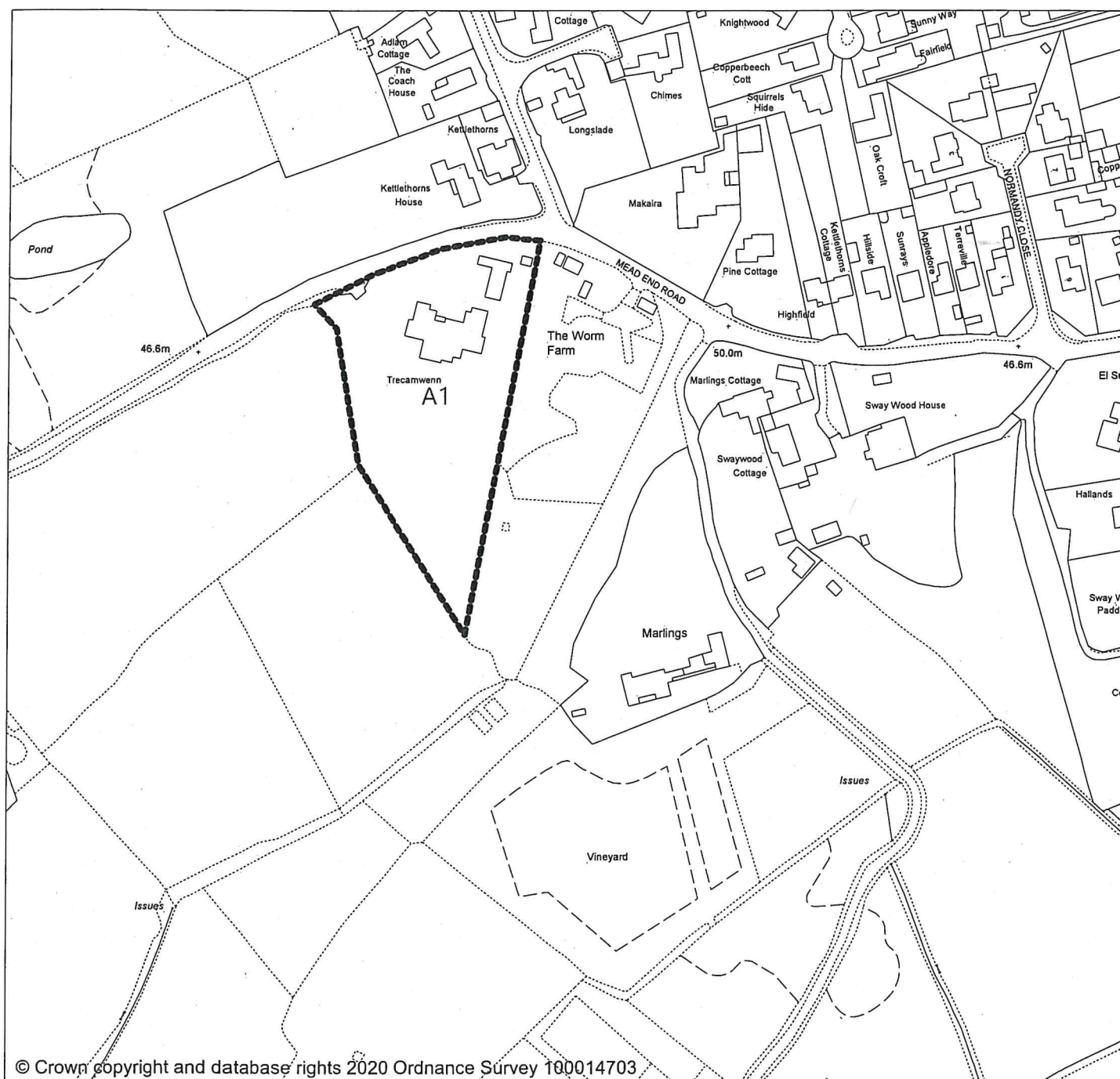
(within a broken black line on the Plan attached to this order)

Reference on map	Description	Situation (including number of trees in the group)
None		

Woodlands

(within a continuous black line on the Plan attached to this order)

Reference on map	Description	Situation
None		



Tree Preservation Order Plan





Town and Country Planning Act 1990

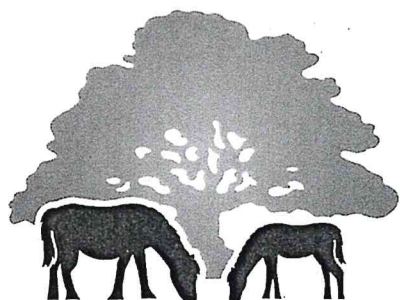
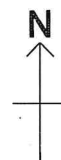
TPO Number: TPO 0006/20

Scale: 1:2421

Date Printed: 23/11/20

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