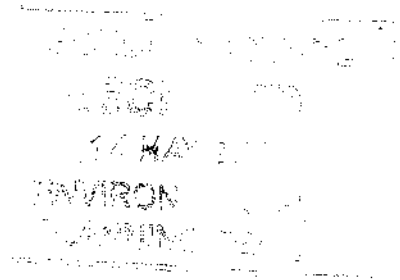


10th May 2007

Our Ref: SB/saf

30 Market Place,
Dereham,
Norfolk NR19 2AP
Telephone: 01362 696044
Fax: 01362 690905
Email: dereham@landandnewhomes.co.uk

Andrea Long
Environmental Planning Manager
Breckland District Council
Elizabeth House
Walpole Loke
Dereham
NR19 1EE



Dear Andrea

Ref: 03/67/TPO/2007/16/RF The Norfolk (Breckland District) (Necton) Tree Preservation Order 2007 No: 16

Further to details of TPO recently placed on a tree at my clients address at 13, Hale Road, Necton, as their Agent we would like to raise an objection.

We would like to object as per the detail in our clients letter to yourselves recently as detailed below.

I quote from my clients letter:

"Professional Land Agents (Land & New Homes Countrywide) of Dereham are acting on our behalf handling the sale of the land in which the said tree is situated. One of the first things that was investigated by Mr Steve Banning was to find out if there were any TPO's on the said plot or surrounding, as from the very beginning it was the builders intention to possibly fell the tree, this information was made aware to the appropriate authorities. Mr Banning was told there were no TPO's on or surrounding the plot and that they couldn't foresee any going on in the future and that he should proceed with the application. It is at this point I feel that the tree should have been investigated by the authorities before any thing else went ahead.

The builder and ourselves have incurred considerable costs as a result of this, Architects, Solicitors etc these costs could probably been avoided had the said TPO been enforced at a much earlier stage.

From a safety point of view, we as the homeowners, receive many complaints form local Necton residents regarding the tree, these include:

Children climbing the tree on the way home from school to try and obtain the conkers, concerns that one day someone will get hurt if they were to fall from the tree, this could possibly be on to the road and into oncoming traffic.

Drivers of cars and lorries complain when the conkers fall from the tree onto their windscreens as they pass, this again could cause a serious accident.

Cont'd.../2/

Cont'd.../1/

Ref: 03/67/TPO/2007/16/RF The Norfolk (Breckland District) (Necton) Tree
Preservation Order 2007 No: 16 10th May 2007.

We live in an area which is home to many elderly persons they constantly complain that the pathway and road are dangerous during the conker season and autumn when the leaves fall.

The branches grow through the power line and block out a tremendous amount of natural light.

We are aware that certain trees should to be preserved and protected and if the tree was to be felled, providing more suitable location could be found, we would be more than happy to replace it with another Horse Chestnut."

I am also aware that conversations have taken place between Gilbert Addison and the proposed purchaser Mr N Syer with regard to the TPO being placed on the tree after the submission of the planning application.

Initially, (as mentioned by my client), I spoke with your department back in November 2006 to ascertain whether there were any TPO's pertaining to the site. I was told that there were not, or indeed any TPO's in the vicinity, or any intention to issue any. On this basis informal enquiries went into the council and again, no reference or mention was given to the tree on correspondences from the council.

The application and fees incurred to apply duly went forward. Then suddenly the TPO was issued from the council.

It is also felt that discrimination has been applied to this tree because of the planning permission. I question the case as to why this tree has any more amenity value in comparison to other similar trees in the vicinity without any TPO's issued.

It is my understanding that a recommendation for refusal in regards to the planning application is likely with the TPO being the main reason for refusal. Despite assurances for replanting of a similar tree, this solution has not been deemed suitable by yourselves.

I believe an appeal will be lodged should the planning application be refused.

To this end I look forward to hearing from you in regard to the above.

Yours sincerely



STEVE BANNING BSc (Hons)
Land Manager
Land & New Homes Countrywide

To Andrea Long
Environmental Planning Manager
Elizabeth House
Walpole Lake
Dereham
Norfolk NR19 1EE

REF 03/67/TPO/2007/16/RF

The Norfolk (Breckland District) (Necton) Tree Preservation Order 2007 No.16

We would like put in writing our objections to the above order on a Horse Chestnut Tree at 13 Hale Road Necton.

Professional land agents (New Land and Homes Countrywide) of Dereham are acting on our behalf handling the sale of the land in which the said tree is situated. One of the first things that was investigated by Mr Steve Banning was to find out if there were any TPO s on the said plot or surrounding, as from the very beginning it was the builders intention to possibly fell the tree, this information was made aware to the appropriate authorities. Mr Banning was told there were no TPOs on or surrounding the plot and that they couldn't foresee any going on in the future and that he should proceed with the application. It is at this point I feel that the tree should have been investigated by the authorities before any thing else went ahead.

The builder and ourselves have incurred considerable costs as a result of this, Architects, Solicitors ETC, these costs could probably been avoided had the said TPO been enforced at a much earlier stage.

From a safety point of view we as the homeowners we receive many complaints from local Necton residence regarding the tree, these include;

Children climbing the tree on the way home from school to try and obtain the (conkers), concerns that one day someone will get hurt if they were to fall from the tree, this could possibly be on to the road and into oncoming traffic.

Drivers of cars and lorries complain when conkers fall from the tree onto the windscreen when they pass, this again could cause a serious accident.

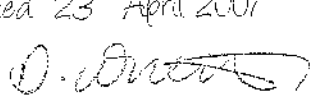

Children entering our property to obtain the conkers without our consent and put themselves in danger of any traffic entering or exiting the driveway

We live in an area which is home to many elderly persons they constantly complain that the pathway and road are dangerous during the conker season and autumn when the leaves fall.

The branches grow through the power lines, and block out a tremendous amount of natural light.

We are aware that certain trees should be preserved and protected, and if the tree was to be felled, providing a more suitable location could be found we would be more than happy to replace it with another Horse Chestnut.

Dated 23rd April 2007

 . 

Mr Mrs D and M Whitehair

Copies sent to Countrywide New Land and Homes FAO: Mr Steve Banning
Mrs Sally Kiddle Morris Hood Vores & Allwood