

<b>RECOMMENDATION:</b> Confirm Order	
<b>REF NO:</b> TPO 2021 no.15	<b>CASE OFFICER</b> Hugh Coggles
<b>LOCATION:</b> Rookery Farm Barns. Elsing Lane, Dereham	<b>APPNTYPE:</b> N/A
<b>APPLICANT:</b> Mr. Jason Hammond	<b>POLICY:</b>
	<b>ALLOCATION:</b> N
	<b>CONS AREA:</b> N
	<b>LB GRADE:</b> N
	<b>TPO:</b> Y
<b>APPLICANT'S PROPOSAL:</b> Not to confirm the order and allow the tree to be felled	

**1. REASON FOR COMMITTEE CONSIDERATION**

1.1 Formal Objection to serving of TPO 2021 No.15

**2. KEY ISSUES/REASONS FOR OBJECTION**

- Fear that if the tree fell it would cause damage, injury/death
- Branches hang over the dwelling, fear that if they were to fall they could cause damage, injury/death
- Fear that the tree could cause structural damage (subsidence) to the dwelling.
- Fear that the tree roots could cause damage to drains to house and neighbours houses.
- The tree is too close to the house, blocking light to bedrooms, hallway and ensuite.
- No public can see or appreciate the tree.

**3. SITE AND LOCATION**

3.1 Rookery Farm Barns, Elsing Lane, Dereham.NR20 3EZ

**4. EIA REQUIRED**

4.1 No

**5. RELEVANT SITE HISTORY**

5.1 House purchased by current owners in July 2021.

5.2 26<sup>th</sup> October 2021, site visit undertaken by HC following a phone call from member of the public who was concerned after receiving information that the owners were intending to fell 1 Oak tree and 1 Ash Tree.

Tree Evaluation Method for Preservation Orders (TEMPO) assessment undertaken by HC. A score of

16 was recorded for both trees. Recommendation for any score of 16 is that the tree definitely warrants a Tree Preservation Order (TPO).

- 5.3 3<sup>rd</sup> November 2021 Following the site visit and assessment, confirmation was given by the Council to proceed with serving a TPO on both trees.
- 5.4 On an unknown date between 3<sup>rd</sup> November and the 15<sup>th</sup> November the Ash tree was felled leaving only the Oak.
- 5.5 19<sup>th</sup> November 2021 TPO was served on the remaining Oak tree.

## **6. POLICY CONSIDERATIONS**

- 6.1 The following policies of the adopted Breckland Local Plan have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate.

ENV 06	Trees, Hedgerows and Development
NPPF	Section 15

## **7. CONSULTATIONS**

Parish Council – No comments received

Ward Representative - No comments received

## **8. REPRESENTATIONS**

- 8.1 23<sup>rd</sup> November 2021 a formal objection to the serving of the TPO was received by email.

## **9 CONCLUSION**

- 9.1 The Local Planning Authority would like to make it clear that the Tree Preservation Order is intended to maintain the amenity afforded to the public by trees and recognizes that reasonable pruning, and sometimes felling, with consent is often necessary to achieve long term sustainability of trees. The TPO should therefore be seen as a requirement for consultation rather than a blanket prohibition.
- 9.2 The order does not prevent the owners from using a contractor of their choice. It does enable the Council to have some control over the work which is undertaken and the powers to condition that work is completed to a high standard and in accordance with current best practice.
- 9.3 It is acknowledged that the tree is close to the dwelling, however it is considered that adequate clearances can be maintained by pruning which would not be harmful to the overall health and appearance of the tree.
- 9.4 No information has been provided that there are any significant defects that would suggest that the tree is likely to fail at this time.
- 9.5 Currently there is no evidence that the tree is causing any structural damage to the dwelling. If evidence is provided to suggest otherwise, then it is recommended that the removal of the tree should be reconsidered.

## **10 RECOMMENDATION**

- 10.1 Confirm the order.