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MWA Arboriculture Ltd.
Bloxham Mill Business Centre
Barford Road
Bloxham
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OX15 4FF

TOWN AND COUNTRY PLANNING ACT 1990
WORKS TO A PRESERVED TREE

Reference: H01-0350-21 **Date of Decision:** 25th May 2021

Applicant: Mrs Orlowski
42 Stone Gate
Cowbit
Spalding
PE12 6AH

Location: 42 Stone Gate Cowbit Spalding

Description: Works to Cowbit Tree Preservation Order No 1 1982

Detailed Description:

Application to remove a fine mature oak tree on the frontage of 42 Stone Gate. The tree is identified as T7 of Cowbit Tree Preservation Order No 1 1982.

Please see supporting documentation accompanying the application.

'TREE PRESERVATION ORDER: TPO No 1 1982 (T7 Oak) 42 Stonegate, PE12 6AH
TREE T3 Oak of MWA Arboricultural Report
Works - Remove
Reason: The above tree is considered to be responsible for root induced clay shrinkage subsidence damage to 42 Stonegate, Cowbit, Spalding, Lincolnshire,
PE12 6AH.
Please see attached statement of reasons for works'.

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 The oak tree on the frontage of 42 Stone Gate, Cowbit is an impressive mature oak; one of a number which significantly enhance the street scene at Stone Gate. They have

contributed to the amenity value of that road for many years before a great number of the houses that are presently there, were built. Due to the visual value of these trees in enhancing the amenity of Cowbit as one passes eastwards from road entrance framed by oaks at the Church and School to the south and one at the Vicarage to the north; they were made the subject of a Tree Preservation Order in 1982, at the request of Cowbit Parish Council. The tree in question being identified as T7 of the Order.

According to the ADDENDUM TECHNICAL REPORT accompanying the application in question, the dwelling at 42 Stone Gate, Cowbit was constructed in 1998. At this date all the technical information was readily available to enable the successful construction of buildings to withstand the presence of existing high water demand trees such as the protected oak tree in question.

In this instance as all were aware of the preserved status of the oak in question, the correct foundations should have been installed when the property at 42 Stone Gate was constructed. The cause of the structural problems at 42 Stone Gate are not due to the oak tree, but the lack of appropriate construction; therefore the application to remove this tree is REFUSED.



Phil Norman
Planning and Building Control Manager
South Holland District Council

RIGHTS OF APPEAL:

Where an application is made to the Authority for consent and that consent is refused or is granted subject to conditions the applicant, if aggrieved by the decision, may appeal to the Planning Inspectorate (PiNS). Appeals must be received by the PiNS within 28 days of the Council's decision. The appeal should be made on the relevant TPO (consents) appeal form which can be obtained from PiNS. The form can be found on the Planning Portal website at:

www.planningportal.gov.uk/planning/appeals/otherappealcasework/treepreservation

Alternatively a form can be obtained by writing to The Environment Team, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0117 3728192

If you visit the Planning Portal web site you will be able to complete the appeal form and return it to PiNS electronically via the email address:

environment.appeals@pins.gsi.gov.uk