

Mr S Wareham
4 Tower Gardens
Holbeach
Spalding
PE12 7FT

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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H05-0464-26 **Date of Decision:** 26th June 2026

Applicant: Mr S Wareham
4 Tower Gardens
Holbeach
Spalding
PE12 7FT

Location: 4 Tower Gardens Holbeach Spalding

Description: Works to Fleet and Holbeach TPO No 1 1987

Detailed Description:

Application with regard to a silver birch tree located on the front lawn of 4 Tower Gardens.

The tree is likely to be a replacement for T12 of Fleet and Holbeach TPO No 1 1987.

In the words of the Applicant:

'Silver birch removal due to it being dead. Replant with 1 standard blossom tree in the same place.

Tree is located in front garden'.

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

- 1 That the proposed work is carried out within two years of the date of this decision unless otherwise agreed with the District Council.
- 2 Work is to be carried out in accordance with BSI 3998 : 2010, 'Recommendations for Tree Work'.
- 3 The resulting stump of the tree should be ground out to at least 300mm below ground

level, unless otherwise agreed with the District Council, to help reduce the risk of the stump harbouring decay fungi which could infect nearby trees. (Please take care not to damage the roots of any adjacent trees in the process.)

Notes:

The necessary consent of all other interested parties should be obtained before the works proceed.

In this case the duty of the landowner is to plant another tree, of an appropriate size and species, at the same place, and as soon as reasonably possible. The tree will then be subject to the original Order.

It is recommended that the tree is replaced with a standard 'Blossom tree', either a species of Prunus, Malus, Pyrus or Magnolia; or a less common species such as a species of Catalpa, Davidia or Paulownia; of at least 1.5 metres high on planting; as near as reasonably practicable, to the position of the original tree, within a period of twelve months. (Please note that the last few species may need some protection using horticultural fleece or something similar in periods of severe frost, whilst becoming established, flowering may not occur for about fifteen years or so, but worth the wait.)

Watering the young tree in dry periods for the first three years is recommended, to enable the roots to become fully established. Please note that the original silver birch was a species which is low water demand, the adjacent horse chestnut is a moderate water demand tree. It would therefore be hoped that the foundations of your property have been designed to cope with a moderate water demand species in close proximity. Prunus, Malus, or Pyrus are all moderate water demand species. Some species of magnolias can grow into very impressive trees, and they are low water demand. Do not have a reference for water demand for the less common species mentioned.

Please inform the Local Planning Authority as soon as replanting has taken place and indicate the position of the replacement tree. Section 207 of the Town and Country Planning Act 1990 empowers this Authority to issue a Notice formally requiring replacement trees to be planted.

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place, please inform Natural England on Tel: 03000 603900 before works proceed.



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
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:

<https://www.gov.uk/appeal-decision-about-tree-order>

Alternatively a form can be obtained by writing to Environment Appeals, Room 3A Eagle Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0303 444 5000.

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:

treeandhedgeappeals@planninginspectorate.gov.uk