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TOWN AND COUNTRY PLANNING ACT 1990
WORKS TO A PRESERVED TREE

Reference: H14-1056-21 **Date of Decision:** 1st December 2021

Applicant: Miss C Turnell
6 Dairy Close
Pinchbeck
Spalding
PE11 3ZE

Location: 6 Dairy Close Pinchbeck Spalding

Description: Works to Pinchbeck Tree Preservation Order No 17 2019

Detailed Description:

Application with regard to a young horse chestnut sapling which is now situated within the garden of 6 Dairy Close.

The tree is identified as T1 of Pinchbeck Tree Preservation Order No 17 2019, and was planted as a replacement for the horse chestnut T2 of Pinchbeck Tree Preservation Order No.8 1990; which was removed following a decision issued on 23rd August 2012. (Although technically protected under the original Order as a replacement tree, it was made subject to an individual Order so that there was no doubt of its protected status.)

No where does it actually state in the Application Form what the Applicant is applying for. It is assumed from the reference to 'It would not be appropriate to replace the tree', that the applicant is considering removing the tree.

'Identification Of Tree(s) And Description Of Works' in the Applicant's words:

'The tree is a recently planted (at the request of SHDC) Horse Chestnut Tree. A home has been built on the site - after the tree was planted and as there are existing willow trees on the site - the chestnut tree is already competing with them for sufficient light and space. This tree will eventually, potentially, reach up to 35 metres in height and 25 metres in width. It is only 4 metres from a willow tree on the property and only 7 metres from a willow tree on the next door property. It is already becoming distorted in shape due to a lack of light from the nearby willows. It would not be

appropriate to replace the tree as even a small species of tree would not have sufficient light or room to flourish. We would welcome a site visit and have enclosed photos to support our application.'

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

1 The Applicant states: 'The tree is a recently planted (at the request of SHDC) Horse Chestnut Tree.'

As already partially referred to in the description, the horse chestnut was the replacement for a former horse chestnut protected under Tree Preservation Order No.8 1990 planted under the duty of the landowner to plant another tree, of an appropriate size and species, at the same place and as soon as reasonably possible, to replace that removed due to it being dead.

2 The Applicant states: 'A home has been built on the site - after the tree was planted and as there are existing willow trees on the site - the chestnut tree is already competing with them for sufficient light and space'. It is further added 'It is only 4 metres from a willow tree on the property and only 7 metres from a willow tree on the next door property. It is already becoming distorted in shape due to a lack of light from the nearby willows.'

The willows are pollards, which will require to be maintained as such. Which will mean that they will require the regular cutting back of re-growth. This will allow the young horse chestnut to have the required light and space for growth.

3 The Applicant states: 'This tree will eventually, potentially, reach up to 35 metres in height and 25 metres in width.'

Horse chestnut trees have the potential to grow into large specimens. The horse chestnut (sapling) in question has many years ahead of it to grow in the space available before it causes any problems and requires selective pruning to manage its size. Should the cyclical nature of the pollarded willows growth, if managed correctly; cause periods of growth suppression in the horse chestnut this has the potential to slow down its growth overall.

4 The proposed works on the tree subject of this Application are not described.

It is assumed that the Applicant is applying to remove the tree.

In this case there is no reason stated why this young healthy horse chestnut tree subject to a Tree Preservation Order should be removed.

Please note:

We are still operating a policy of only essential visits due to Coronavirus. In this instance the Trees and Nature Conservation Officer was already familiar with the tree in question, last inspecting it on 9th September 2019. The Applicant kindly provided sufficient photographs to illustrate the current situation of the tree to determine this Application

without a further visit. In the future (Coronavirus restrictions permitting) as the tree grows and develops; the Trees and Nature Conservation Officer is likely to be available to view the tree to discuss management in the longer term.



Phil Norman
Planning 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