

Tree Preservation Order 1 of 2009

Barnfield, Penhallow and Magnolia House, Alleyns Lane, Cookham Dean SL6 9AE

1. Background:

Tree Preservation Order (TPO) 1 of 2009 was created in February 2009 to protect a row of Lime, Cedar and Beech trees on land belonging to Barnfield, Penhallow and Magnolia House, Alleyns Lane, Cookham Dean. The TPO was initiated because the crowns of the Lime trees had been lifted recently, without the necessary prior notice to the Local Planning Authority, to allow high-sided vehicles to drive from Alleyns Lane along the field edge. These trees are on the boundary of the Cookham Dean Conservation Area. In addition the Council had received a planning application to change the agricultural barn at Barnfield into a residential property (Application 09/00034). Following an assessment by one of the Council's Arboricultural Officers, there was concern that if this application were to be approved, all of the trees along the Barnfield boundary might be at risk from works that would be required to provide the associated services and driveway for the new dwelling. In view of the significant amenity value of the trees and their contribution to the character and appearance of the Conservation Area, it was deemed appropriate to initiate a TPO to ensure their long-term protection. The application for change of use of the barn has subsequently been refused.

Since the TPO was made it has been established that none of the trees protected by the Order are within the curtilage of Magnolia House, Alleyns Lane and on confirmation the address of the TPO will be modified accordingly.

The Order relates to a group of trees as per the specification below:

- G1 Lime x 21 (*Tilia* sp-Ts), Cedar x 3 (*Cedrus* sp-Cs) and Beech x 18 (*Fagus sylvatica*-Fs). Located on the boundary of Barnfield and Penhallow, Alleyns Lane, Cookham Dean.

2. Objections:

One objection was received in respect of the Order, by email from Ms Beverley Kidd, the owner of Barnfield. Her objection is summarised below:

- For 30 years Ms Kidd and her family have cared for their fields in a way that has preserved the health of the trees and encouraged the local and natural wildlife. The tree canopies have been cut regularly. Good husbandry has always been the prime concern.
- It has been stated that there are no services into the field. In fact there have been water taps there for over 25 years for the animals.
- The Tree Preservation Order was put forward as an additional barrier to potentially receiving planning permission.

One letter of support for the TPO was received from Dr and Mrs Sibbald of Half Timbers, Alleyns Lane whose property directly overlooks the line of 18 Beech trees. They refer to the trees in G1 as forming 'a significant feature as the boundary to the Green Belt land adjacent to it' and as providing a habitat and cover for the wildlife in the area. They are concerned that the creation of a long gravel driveway parallel and alongside the whole length of this line of trees would have a very detrimental affect on their root systems and lead to their decline. Mr Sangster of Penhallow, Alleyns Lane and Mrs Rea of Magnolia House, Alleyns Lane are both very supportive of the TPO however, they questioned whether the trees included for protection were plotted accurately on the TPO map. A further site visit was made by one of the Council's Arboricultural Officers and it was established that the protected trees are plotted correctly in relation to the existing barn and the track leading to it.

3. Responses to the objection and justification for the Order:

Under the Town and Country Planning Act (1990) local authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape. In this case the row of trees along the boundary of Barnfield are an attractive feature forming a partial avenue along the field edge. The trees are visible from Alleyns Lane, from the adjacent allotments and from Warner's Hill, across the valley to the south and as such significantly contribute to the

character and appearance of the Conservation Area.

The local planning authority may create a TPO when it is believed there is a risk of a tree being cut down or pruned in ways that would have a significant impact on the amenity of the area. This TPO was prompted as a result of works being carried out to the row of Lime trees that form part of group G1 as indicated on the TPO map. Following a site visit, in the opinion of the Council's Arboricultural Officer, all of the trees along the boundary of Barnfield are susceptible to damage from the compaction of the ground which will occur by vehicles driving along the field edge. In view of the fact that an application had been lodged for change of use of the barn to a residential dwelling and the potential for change in the area it was considered expedient to initiate a TPO to protect the trees.

The TPO has been made to protect the trees both above and below ground. The roots of the trees within group G1 extend from the adjoining property into the Barnfield site and if access were to become more frequent along the field edge, the trees would suffer from compaction of the ground. Tree roots require water and oxygen to be available in the soil, both of which are significantly reduced if the soil is compacted. The result of ground compaction can be significant crown dieback and in extreme cases tree mortality.

The installation of services for a residential dwelling is likely to include gas, electricity telecommunications, waste and sewerage, which would require excavations across the site to the barn. It is possible for unprotected trees to be damaged during the process of establishing these new services. The installation of services within any trees root protection area will have an adverse impact on the health and potential stability of the tree.

With respect to Ms Kidd's concerns regarding the reasons behind the serving of the Order, the TPO has been made simply to deter inappropriate works that could harm the trees and does not preclude any development of the site. Any planning application is judged on its merits in the context of relevant development plan policies and any other material considerations. Only in cases where significant harm could be caused to important trees are applications likely to be refused for tree reasons.

The creation of the TPO should not hinder the appropriate maintenance of the trees but is intended to secure their long-term future and encourage and coordinate their management in accordance with good arboricultural practice while preserving public amenity. The Council is not liable for matters relating to the normal management of protected trees, but the Tree Section is able to offer free arboricultural advice to owners of protected trees. Anyone can apply to undertake works to a protected tree, there is no fee levied to submit an application for works to protected trees or a limit on applications made. The local planning authority would not unreasonably withhold consent for tree works which accord with good arboricultural practice, but should consent be refused any applicant has the right of appeal against the decision.

4. Sustainable Development Implications:

In terms of the sustainable development policy the recommendation contained in the report will have the following significant beneficial sustainable development implications: A positive impact on the natural environment by retaining the tree stock.

RECOMMENDATION that Tree Preservation Order 1 of 2009 is confirmed with the following modification:

Address of the TPO modified to read ' Barnfield and Penhallow, Alleyns Lane, Cookham Dean, Berkshire SL6 9AE'.