Hinckley & Bosworth Borough Council

*A Borough to be proud of*

**Town and Country Planning Act 1990**
**Notification of decision in respect of proposed work to tree(s)**

**REFUSAL OF CONSENT TO CARRY OUT WORK TO TREE(S) PROTECTED BY A TREE PRESERVATION ORDER**

**Name and Address of Applicant**
Mr Tom Pallett
Claybrooke House
136 Shilton Road
Barwell
Leicester

**Name and Address of Agent (if any)**

**Part I - Particulars of Application**

| **Date of Application** | **Application No.** |
|---|---|
| 30 March 2009 | 09/00244/TPO |

**Particulars and location of proposed work :**

WORKS TO TREES

6 Ward Close Barwell Leicester Leicestershire LE9 8ND

**Part II**

**The trees affected by the proposed work are protected by the BARWELL- The Cedars, 138 Shilton Road, Barwell Tree Preservation Order 2003.**

**Part III - Particulars of decision**

**The Hinckley and Bosworth Borough Council hereby refuses consent to the work proposed in the application referred to in Part 1 hereof in accordance with the application form and plans submitted for the following reason:-**

Because of a lack of adequate information to identify the trees concerned and detailed specification of works proposed, the Local Planning Authority is unable to assess the implications of the application on the health and visual amenity of this important group of protected trees.

T. M Prowse

Date :- 20 May 2009

**TREVOR PROWSE**
PROPER OFFICER OF THE COUNCIL

**IMPORTANT – PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT**

## NOTES

1. Please quote the application number in all correspondence.

2. This decision relates either to tree(s) protected by a Tree Preservation Order or to tree(s) not so protected but which are situated in a Conservation Area. You will see which is the case by referring to Part 11 Overleaf.

3. **Tree protected by a Tree Preservation Order**

   (i) **Where the Council has refused consent under the order or has granted such consent subject to conditions, or where the Council has given any certificate or direction, the applicant or the person directed, if he is aggrieved by their decision, or by any such certificate or direction may by notice appeal to The Planning Inspectorate. (Notice of appeal must be given in writing within 28 days from receipt of notification of the decision, and should be addressed to The Environment Team, The Planning Inspectorate, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN.**

   (ii) If any person suffers loss or damage in consequence of any refusal of consent under a tree preservation order or of any grant of such consent subject to conditions, he may be entitled to recover from the Council compensation in respect of such loss or damage provided that a claim is served on the Council in writing within 12months of the decision of the Council or of The Planning Inspectorate on appeal and provided that the Council has not certified:

   a) that the refusal or condition is in the interests of good forestry or

   b) in the case of trees other than trees comprised in woodlands that the tree have an outstanding or special amenity value.

4. **Trees in a Conservation Area**

   (i) if consent has been granted you may commence work immediately. You must then complete the work within two years of your notice to the District Council, otherwise permission will expire and you will need to once again give six weeks notice.

   (ii) if the Council has refused consent, it will probably also have made a Tree Preservation Order (see part III overleaf) in respect of same or all of the trees. If it has the provisions relating to such orders will therefore apply.

5. **Penalties**

Any person contravening the provisions of a tree preservation order or the provisions of Section 211 of the Town and Country Planning Act, 1990, relating to trees in Conservation Areas by cutting down, or uprooting or wilfully destroying a tree or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000, or on indictment to an unlimited fine. The penalty for other offences is a fine not exceeding £2,500 on summary conviction.

**TPOREF &**
**TPOCAR NOTES**