

Hinckley & Bosworth Borough Council

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

DECISION ON PROPOSAL TO CARRY OUT WORK TO TREE(S) PROTECTED BY A TREE PRESERVATION ORDER

Name and Address of Applicant
C/o Agent

Name and Address of Agent (if any)
Mr Christopher Tozer
C.T.Trees
76 Lychgate Lane
Burbage
Hinckley
LE10 2DS

Part I - Particulars of Application

Date of Application

Application No.

6 January 2025

25/00013/TPO

Particulars and location of proposed work:

(H1) Holly Hedge - Top by 1m, cut sides and lift canopy over parking area to previous managed height
(T1) Oak - reduce side over the parking area by 2m

16 The Stables Burbage Hinckley Leicestershire LE10 2GS

Part II

The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Burbage (Sketchley Manor Lane) Tree Preservation Order 1992 92/00003/TPORD

Part III - Particulars of decision

Part of this application has been GRANTED and part REFUSED.

The Hinckley and Bosworth Borough Council hereby consents to the work proposed to the (H1) Holly Hedge referred to in Part 1 hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The approved works shall only be carried out in accordance with British Standards Recommendations for Tree work - BS 3998:2010.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the tree in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF (2024).

2. The works to which this consent relates shall be completed within two years from the date of this consent.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

Reason: In accordance with the provisions of the Town and Country Planning (Tree Preservation) Regulations 2012.

3. The proposed works to the Holly Hedge (H1) shall be restricted to reducing the top by 1m, cutting the sides and lifting the canopy over the parking area to the previously managed height.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the trees in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF (2024).

The Hinckley and Bosworth Borough Council hereby refuses consent for the following works to (T1) Oak referred to in Part 1 hereof in accordance with the application form and plans submitted, for the following reason :-

1. The proposed works to the Oak Tree (T1) would have a significant, negative impact upon the overall character, appearance and visual amenity of the area. The proposal is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), and paragraph 136 of the National Planning Policy Framework.

NOTES TO APPLICANT :-

You are advised that consent is valid for a period of two years commencing from the date permission is granted, the works for this consent may only be carried out once unless stated otherwise by condition.

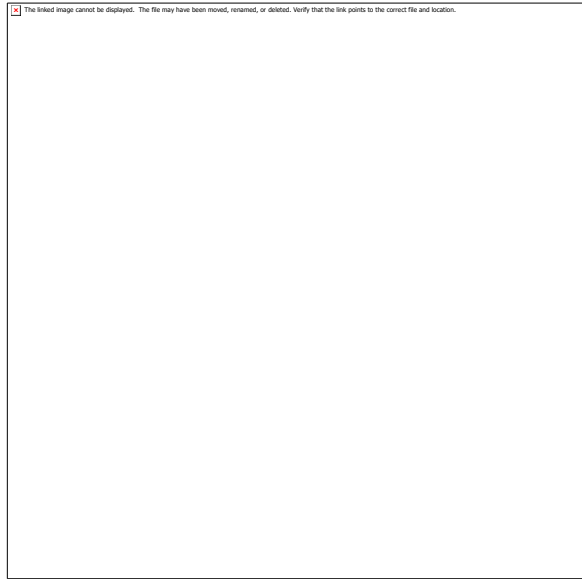
This permission does not affect any private property rights and does not authorise the applicant to carry out work on land outside of their control. The applicant is therefore required to obtain the landowners consent prior to commencing any works.

It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore if the tree is mature and has hollow cavities, is covered with ivy or has a suitable habitat in which bats may roost we recommend that it be surveyed for bats before any work is carried out.

The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. We therefore recommend that work to trees is done outside the nesting season - i.e. between the end of August and beginning March. If work is to be undertaken during the bird breeding season, we recommend that a suitably qualified ecologist surveys the tree for nesting birds. If nesting birds are present, work must be postponed until the young have left the nest.

You are advised that if a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.

Date :- 18 March 2025



Christopher Brown MRTPI
Head of Planning

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 of appeal to The Planning Inspectorate. (Notice of appeal must be given in writing within 28 days from receipt of notification of the decision. Appeal forms can be obtained from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>.)
 - (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 12 months 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 of intention.
 - (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.