

Delegated Report

Planning Ref: 25/00013/TPO
Applicant: Mr Christopher Tozer
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

**Site: 16 The Stables, Burbage, Hinckley, Leicestershire,
LE10 2GS**

**Proposal: (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

1. Recommendations

1.1. A split decision as set out below

Grant consent for the works below subject to conditions at the end of the report;

(H1) Holly Hedge - Top by 1m, cut sides and lift canopy over parking area to previous managed height

Refuse consent for the works below subject to reason at the end of the report;

(T1) Oak - reduce side over the parking area by 2m

2. Planning Application Description

2.1 The application seeks planning consent for the following works at 16 The Stables, Burbage, Hinckley, Leicestershire, LE10 2GS

- (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

3. Description of the Site and the Surrounding Area

3.1. This application relates to a residential development located on the west side of Burbage comprising of two storey detached dwellings. The affected hedge and Oak tree are located on the eastern edge of the property boundary which fronts onto Sketchley Manor Lane.

3.2. 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/TPO

4. Relevant Planning History **06/00971/TPO**

- REDUCTION OF HEDGE
- TPOPER
- 25.09.2006

15/00135/TPO

- Works to Holly hedge
- TPOPER
- 10.04.2015

18/01048/TPO

- Pruning of Holly Hedge by 300mm and felling of one Turkey Oak Tree (T1)
- TPOSPL
- 21.12.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No comments have been received

6. Consultation

6.1. Burbage Parish Council

“Burbage Parish Council does not object to this application and would support the advice of the borough tree officer in relation to any work permitted. However, it would wish to see the hedge reduced in line with ' and not lower than - neighbouring hedge sections and would ask that particular consideration is given to any work carried out to the oak tree, to preserve its character and amenity value.”

7. Policy

- 7.1. Core Strategy (2009):
 - Policy 4: Development in Burbage
- 7.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.3. Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):
 - Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
 - Policy 12: Important Trees
- 7.4. National Planning Policies and Guidance:
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other Relevant Guidance:
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues

- Impact upon the amenity of the area
- Whether the application is justified

Impact upon the amenity of the area

- 8.2. Policy DM10 of the SADMP requires that consideration be given to the impact of the proposal on amenity and the character of the surrounding area. The trees are subject to a tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3. Paragraph 136 of the National Planning Policy Framework (NPPF) (2024) states that existing trees make an important contribution to the character and quality of urban environments and should be retained wherever possible.
- 8.4. Policy 12 of the Burbage Neighbourhood Plan seeks to ensure that development proposals that damage or result in the loss of a tree or trees protected with a tree preservation order (TPO) or a tree or trees of significant amenity value and with important arboricultural, landscape or ecological significance, will only be permitted in exceptional circumstances.
- 8.5. The affected Holly Hedge and Oak tree are located on the eastern edge of the property which fronts onto Sketchley Manor Lane. The tree is located in a prominent position and along with the hedge makes a valuable contribution to surrounding amenity.
- 8.6. A site visit was carried out on 4 March 2025. The suggested works to the Holly Hedge are considered to be routine maintenance and would have a positive impact upon the amenity of the area by virtue of the submitted justification.
- 8.7. The work proposed to the Oak Tree (T1) has been assessed and is considered to be unsuitable. The application requests permission to reduce the side over the parking area at The Stables by 2m. However the proposed work has the potential to leave the tree unbalanced due to the large lateral limb that extends over the highway on Sketchley Manor Lane. Given the prominent position of the tree and its valuable contribution to the area it is felt that carrying out works to only one side of the crown would have a detrimental impact upon the character and amenity of the area.
- 8.8. The Local Planning Authority therefore deems the proposed works to the Holly hedge (H1) as suitable as long as carried out in accordance with BS 3998:2010.
- 8.9. The work to the Oak Tree (T1) is deemed unsuitable as it would negatively impact amenity of the area.

Whether the application is justified

- 8.9. The work proposed to the Holly Hedge (H1) has been assessed and is considered to be justified. The Holly hedge has been trimmed before and the proposed work is to repeat the same operation. The proposed work is therefore deemed necessary and appropriate.
- 8.10. Alternative suggestions for the Oak tree (T1) were proposed, such as crown lifting or a crown reduction that would allow for suitable clearance to be gained over the highway and parking area whilst maintaining the overall balance of the crown. However the agent declined to engage with any of the recommendations and

requested that the works to the Oak Tree be refused as the applicant was unwilling to carry out any alternative to the original proposal.

8.11. By virtue of the above it is therefore considered that;

The work to the Hedge (H1) would not have a significant impact upon public amenity and is therefore acceptable.

The work to the Oak Tree (T1) would have a significant impact upon public amenity and should be refused.

9. Equality Implications

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application

9.3. There are no known equality implications arising directly from this development.

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. In conclusion the proposed works to the Holly Tree (H1) is considered to be acceptable. The proposal is, therefore in accordance with policy DM10 of the SADMP and paragraph 136 of the NPPF (2024). As a result, the application should be approved with conditions set out below

10.2. The works to the Oak tree (T1) would however have a significant, negative impact upon the overall character, appearance and visual amenity of the area. Work should therefore be refused subject to the reasons at the end of this report.

11. Recommendation

11.1. A split decision as set out below

Grant consent for the below works subject to conditions at the end of the report;

(H1) Holly Hedge - Top by 1m, cut sides and lift canopy over parking area to previous managed height

Refuse consent for the below works subject to reason at the end of the report;

(T1) Oak - reduce side over the parking area by 2m

11.2. **Conditions and Reasons (Approval)**

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.

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).

11.3. **Reason (Refusal)**

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 the 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.