

Delegated Report

Planning Reference 25/00875/TPO
Applicant Mrs Samantha Brown
Ward Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Application Site 8 Valiant Close, Burbage, Hinckley,
Leicestershire, LE10 2GD

Proposal Ash tree – pruning to a height of 4 metres, hedgerow touching the house and needs pruning back to fence line.

Case Officer Jack Playle (Technical Planning Assistant)

1. Recommendations

1.1. **Refuse consent** subject to the reasons at the end of this report:

2. Planning Application Description

2.1. This application seeks consent for the pruning of a protected ash tree to a height of 4m back to the fence line at 8 Valiant Close, Burbage, Hinckley. The Applicant has stated that these works are required to prevent damage to, and to prevent the blocking of light to, the dwelling, and to safety concerns of dropping branches.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to an Ash tree located to the east Coventry Road and is situated to the rear of No 8 Valiant Close within the settlement boundary of Burbage. The tree affected by the proposed work is protected under G1 of the Hinckley and Bosworth (LAND AT COVENTRY ROAD BURBAGE) Tree Preservation Order 00/00002/TPORD which protects a variety of trees.

4. Relevant Planning History

4.1 17/00348/TPO

- Ash and Oak Tree – Prune out dead branches and crown lift by removal of lower branches to 4.5 metres above ground level over the garden
- Permitted
- 18.04.2017

4.2 11/00165/TPO

- Works to oak tree
- Permitted
- 02.03.2011

5. Publicity

5.1 The application has been publicised by sending out letters to local residents.

5.2 No responses have been received.

6. Consultation

6.1 The Council's Arboricultural Officer expressed concerns with the scheme and stated that the submitted information was not sufficient to determine the application. As such, the Arboricultural Officer requested additional clarification and supporting evidence prior to the determination of the application.

6.2 The Case Officer has rung the Applicant and contacted them via email on 08 October 2025, 31 October 2025, 12 October 2025, and 28 November 2025 and no further information has been submitted.

6.3 Burbage Parish Council stated:

'Burbage Parish Council does not object in principle to the identified tree being pruned but feels that the proposed reduction to 4m would be too drastic to the appearance and potentially detrimental to the health of the tree. It would therefore be guided by the advice of the Borough Tree Officer. The Council has no objection to the pruning of the hedgerow.'

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- No relevant policies.

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
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):

- Policy 2: Design and Layout
- Policy 12: Important Trees

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified.

8.2. Paragraph 136 of the NPPF confirms that trees make an important contribution to the character and quality of urban environments. Therefore, planning decisions should ensure that opportunities are taken to ensure that at existing trees are retained wherever possible.

8.3. Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.4. Policy 12 of the BNP confirms that development proposals that damage or result in the loss of a tree or trees protected within a Tree Preservation Order ('TPO') will only be permitted in exceptional circumstances.

8.5. The affected tree is subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value. The Ash tree is situated to the rear of No 8 Valiant Close and due to the size and position of the trees, it is considered to play an important part for the character and the appearance of the local area and neighbouring properties.

8.6. Based on the submitted information, the Council's Arboricultural Officer advised that there is insufficient information to determine the impact of the proposed works on the character and appearance of the protected tree and the surrounding area, to which the protected tree positively contributes to. To overcome these concerns, the Case Officer contacted the Applicant on four occasions from 08 October 2025. To date, no further information has been submitted by the Applicant.

8.7. As such, it is considered that the Applicant has failed to demonstrate that the proposed works are justified. In addition, the Applicant has failed to demonstrate that the proposed works would not result in significant and detrimental impacts upon the visual amenity and the character and appearance of the protected tree and the surrounding area to which the protected positively contributes to.

- 8.8. By virtue of these factors, the proposal would be considered to be contrary to, and in conflict with, Policy DM10 of the SADMP, Policy 12 of the BNP, and Paragraph 136 of the NPPF.

9. Equality Implications

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

- (1) 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 Applicant has failed to demonstrate that the proposed works are justified, and the Applicant has failed to demonstrate that the proposed works would not result in significant and detrimental impacts upon the visual amenity and the character and appearance of the protected tree and the surrounding area to which the protected positively contributes to. By virtue of these factors, the proposal would be considered to be contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 12 of the Burbage Neighbourhood Plan (2021), and Paragraph 136 of the National Planning Policy Framework (2024). It is therefore recommended that consent for the proposed works are refused.

10.2 **Refuse consent** subject to the reasons at the end of this report:

10.3 **Reasons**

1. The Applicant has failed to demonstrate that the proposed works are justified, and the Applicant has failed to demonstrate that the proposed works would not result in significant and detrimental impacts upon the visual amenity and the character and appearance of the protected tree and the surrounding area to which the protected positively contributes to. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 12 of the Burbage Neighbourhood Plan (2021), and Paragraph 136 of the National Planning Policy Framework (2024).

a. **Notes to Applicant(s)**

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 15.09.2025).
 - Site Location Plan (submitted: 15.09.2025).