

Hinckley & Bosworth Borough Council

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

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

Name and Address of Applicant

Jenny Bywater
1 The Lodge Manor View
Sibson
Leicestershire
CV13 6LF

Name and Address of Agent (if any)

Mr Gregg Chalkley
Chalkley Tree Services Ltd
83 Church Lane
Weddington
Nuneaton
CV10 0EY
United Kingdom

Part I - Particulars of Application

Date of Application

9 October 2024

Application No.

24/00945/TPO

Particulars and location of proposed work :

(T1,T2,T3) - Ash trees - Remove to ground level, (T4) – Sycamore tree – Remove to ground level.

The Lodge 1 Manor View Sibson Nuneaton Leicestershire

Part II

The trees affected by the proposed work are protected by the BOROUGH COUNCIL OF HINCKLEY AND BOSWORTH (SIBSON (SIBSON MANOR, SHEEPY ROAD) TREE PRESERVATION ORDER 1990 (Reference: 90/00010/TPORD).

Part III - Particulars of decision

Part of this application has been GRANTED and part REFUSED.

The Hinckley and Bosworth Borough Council hereby consents the following works to tree(s):

- (T1, T2, T3) Ash trees - removal to ground level

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 and the Sheepy Neighbourhood Plan.

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.

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

3. The proposed works to the Ash trees (T1, T2 and T3) shall be restricted to the removal to ground level only.

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 and the Sheepy Neighbourhood Plan.

The Hinckley and Bosworth Borough Council hereby refuses consent for the following works to tree(s):

- (T4) – Sycamore tree – remove to ground level

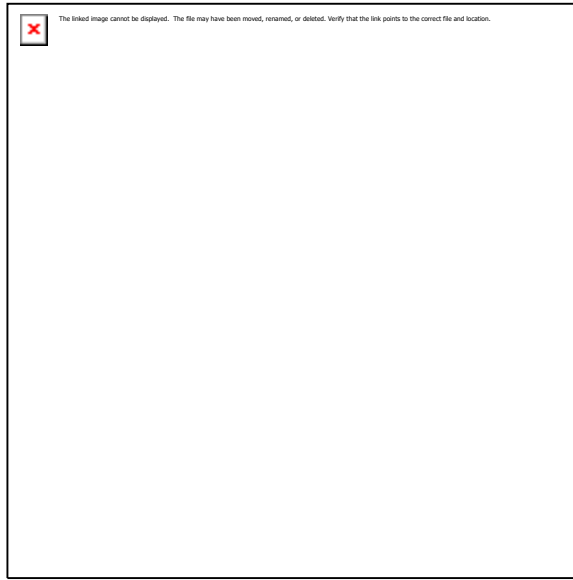
for the following reason :-

1. The proposed works to the Sycamore tree (T4) would have a significant, negative impact upon the overall character, appearance and visual amenity of the area, and would result in the loss of a protected tree in acceptable condition without proper justification. The proposal is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Neighbourhood Plan and paragraph 136 of the National Planning Policy Framework.

Notes to applicant

- It is a criminal offence to damage or destroy a bat roost. Therefore, if the tree is mature and has hollow cavities and / or is covered with ivy, or has suitable places in which bats might roost, we recommend that it be surveyed for bats before any work is carried out to the tree. All birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e. between the end of August and beginning March. If work to the tree 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 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.
- It is necessary, when carrying out works to tree(s) to be aware of the WILDLIFE AND COUNTRYSIDE ACT, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.
- You are advised that if a tree in a conservation area is removed, uprooted or destroyed the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can.

Date :- 10th February 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.