

Delegated Report

Planning Reference 25/00820/TPO
Applicant(s) Mr Scott
Ward Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site The Bungalow, St Peters Court, Church Street, Market Bosworth

Proposal T1 and T2 - multi stem silver birch trees in the rear garden of the bungalow. Remove to ground level, due to heavily leaning over property and proximity to drains

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 following works at The Bungalow, St Peters Court, Church Street, Market Bosworth:

- T1 and T2 - multi stem silver birch trees in the rear garden of the bungalow. Remove to ground level, due to heavily leaning over property and proximity to drains.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to two multi-stem silver birch trees located to the west of Church Street and is situated to the front of The Bungalow, St Peters Court within the settlement boundary of Market Bosworth and in the Market Bosworth Conservation Area. The tree(s) affected by the proposed work is protected under A1 of the Hinckley and Bosworth (Bosworth Hall and The Wilderness) Tree Preservation Order 87/00008/TPO which protects a variety of trees.

4. Relevant Planning History

4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

5. Publicity

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

6. Consultation

- 6.1 The Council's Arboricultural Officer objected to the development proposal because:

"The presence of a lean in a tree does not, in itself, indicate a structural defect or justify removal. Trees are self-optimising organisms that adapt their growth to environmental conditions, often developing compensatory growth and root architecture to maintain stability. Additionally, concerns regarding seasonal leaf fall and the potential for blocked drains are considered a minor and tolerable inconvenience. This is a common and widely accepted aspect of living in proximity to trees and does not constitute grounds for pruning or removals Arboricultural best practice."

- 6.2 Market Bosworth Parish Council objected to the proposal due to the lack of clear supporting documentation to evidence the need for the work or its potential impact on the street scene.

- 6.3 Market Bosworth Society objected to the development proposal due to harm to the character of the surrounding area and the inaccuracy of the submitted documents.

- 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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 Market Bosworth Neighbourhood Plan 2020 – 2039 (MBNP) (2025):

- Policy CE4: Trees and Hedgerows

7.4 National Planning Policies and Guidance:

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

7.5 Other Guidance:

- A Survey of Important Trees and Hedgerows in the Parish of Market Bosworth (2022)

8. Appraisal

- 8.1. Planning Practice Guidance confirms that, in considering an application, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.
- 8.2. Paragraph 136 of the NPPF highlights that trees make an important contribution to the character and quality of urban environments. As a result, planning policies and decisions should ensure that appropriate measures are in place to ensure that 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 DM11 of the SADMP confirms that the Borough Council will protect, conserve and enhance the historic environment throughout the Borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.5. Policy DM12 of the SADMP states that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the Borough. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features
- 8.6. Policy CE4 of the MBNP confirms that mature trees, woodland and ancient hedgerows should be protected wherever possible. Development that will result in the loss of or damage to mature trees woodlands and hedgerows, identified and described in the evidence base document 'A Survey of Important Trees and Hedgerows in the Parish of Market Bosworth' will not be supported unless a satisfactory scheme for the replacement of lost trees, woodlands and hedgerows or mitigation of any damage to the landscape is agreed.

- 8.7. The affected trees are subject to a Tree Preservation Order and are located within the Market Bosworth Conservation Area. The trees (T1 and T2) are situated to the front of The Bungalow, St Peters Court and due to the size and position of the trees, they are considered to play an important part of, and provide a high level of amenity value to, the character, appearance, and significance of the surrounding area and the Conservation Area.
- 8.8. The proposed works have been assessed in conjunction with the Council's Arboricultural Officer, who stated that there was insufficient justification for the removal of the trees in these site-specific circumstances.
- 8.9. Therefore, the proposed works are considered to result in the unjustified loss of protected trees, which causes significant and detrimental adverse impacts upon the character, appearance, and significance of the surrounding area including the Market Bosworth Conservation Area, to which the trees positively contribute to. By virtue of these factors, the proposal is considered to be contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the SADMP, Policy CE4 of the MBNP, 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that consent is refused.

11. Recommendation

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

11.2 Reasons

1. The proposed works result in the unjustified loss of protected trees, which causes significant and detrimental adverse impacts upon the character, appearance, and significance of the surrounding area including the Market Bosworth Conservation Area, to which the trees positively contribute to. By virtue of these factors, the proposal is contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy CE4 of the Market Bosworth Neighbourhood Plan (2025), 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: 01.09.2025)
 - Aerial Photograph - Site Location Plan. (submitted: 01.09.2025)
 - Image 1 (submitted: 09.10.2025)
 - Image 2 (submitted: 09.10.2025)
 - Image 3 (submitted: 09.10.2025)
2. Following an application to a local planning authority for consent to cut down or carry out work on a tree subject to an Order, an applicant can appeal to the Secretary of State. The various grounds on which an appeal may be made are set out in [Regulation 19](#) (linked). These appeals are handled by the Planning Inspectorate on the Secretary of State's behalf.
3. An authority is only liable to pay compensation in certain circumstances and there are strict criteria and limitations. Subject to provisions relating to [forestry operations in protected woodland](#) (linked), an authority may be liable [to pay compensation for loss or damage](#) (linked) caused or incurred in consequence of it:

- refusing any consent under an Order
- granting a consent subject to conditions; or
- refusing any consent, agreement or approval required under a condition.