

Hinckley & Bosworth Borough Council

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

REFUSAL OF CONSENT TO CARRY OUT WORK TO TREE(S) **PROTECTED BY A TREE PRESERVATION ORDER**

Name and Address of Applicant

Mr Scott
Bosworth Hall Hotel
The Bungalow
St Peters Court
Church Street
Market Bosworth
Nuneaton
Leicestershire
CV13 0LG

Name and Address of Agent (if any)

Mr Liam Neal
L. Neal Tree Surgery
6 St Johns Close
Coalville
LE67 2QL

Part I - Particulars of Application

Date of Application

1 September 2025

Application No.

25/00820/TPO

Particulars and location of proposed work:

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

The Bungalow St Peters Court Church Street Market Bosworth Nuneaton

Part II

The tree(s) affected by the proposed work are protected by the Hinckley and Bosworth (Bosworth Hall and The Wilderness) Tree Preservation Order 87/00008/TPORD.

Part III - Particulars of decision

The Hinckley and Bosworth Borough Council hereby refuse consent to the work proposed in the application referred to in Part 1 hereof in accordance with the application form and plans submitted for the following reason(s) :-

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

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

Plan Document (2016), Policy CE4 of the Market Bosworth Neighbourhood Plan (2025), and Paragraph 136 of the National Planning Policy Framework (2024).

NOTES TO APPLICANT

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.

C. Brown.

Date :- 01 December 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.
- (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.

**TPOREF &
TPOCAR NOTES (02/07/2014)**