

Delegated Report

Planning Ref: 25/00109/TPO
Applicant: Mr Peter Stubbings
Ward: Groby



Hinckley & Bosworth
Borough Council

**Site: Land To The Rear Of 1 Spinneyside, Groby, Leicester,
Leicestershire, LE6 0GX**

**Proposal: Oak Tree 2 metre crown reduction and a crown clean to remove the
deadwood**

1. Recommendations

- 1.1. Refuse consent for the reasons at the end of this report

2. Planning Application Description

- 2.1 The application seeks planning consent for the following works at land to the rear of 1 Spinneyside, Groby, Leicester, Leicestershire, LE6 0GX
- Oak Tree 2 metre crown reduction and a crown clean to remove the deadwood

3. Description of the Site and the Surrounding Area

- 3.1. This application relates to a detached two storey residential dwelling on Spinneyside, Groby.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Groby (Glebe Farm) Tree preservation order 1975 (75/00006/TPORD)

4. Relevant Planning History

None relevant

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. **One** letter of objection has been received which has been summarised below:

Objection on the grounds that this tree is in perfectly good condition and shape for an oak tree. It is an asset both environmentally and aesthetically.

The land and tree is not owned by the applicant or their agent. I believe that the application is made simply because of the leaves in autumn. If you buy a house backing on to a spinney the benefits far out way the inconvenience of collecting leafs in the autumn.

6. Consultation

- 6.1. HBBC Arboricultural Officer

There is no justification for crown reduction works on the Oak tree (25/00109/TPO). Working on this tree would cause unnecessary wounding, open it up to fungal colonisation and encourage poorly unionised water shoots local to the cuts.

The application appears to be based on a nuisance complaint with some of the lower lateral spread encroaching onto the rear garden of 1 Spinneyside which they are well within their legal rights to prune back toward the boundary.

The tree in question is Semi-Mature and is in good condition both physiologically and structurally.

I cannot foresee any intervention being due with the tree in its location for many years to come.

Grobby Parish Council:

“The Planning & Development Committee have no objections to the tree works proposed and to refer to the Tree Officer at Hinckley & Bosworth Borough Council for comment”

HBBC Conservation Officer

“As this tree is already covered by a Tree Preservation Order I have no comments to make on the proposal other than recommending any works are carried out in accordance with the relevant British Standards for Tree Work and are in accordance with any advice provided by the Council's Tree Officer (if they are available)”

7. Policy

7.1. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.2. National Planning Policies and Guidance:

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

7.3. 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 tree is subject to a tree preservation order and is 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. The tree is situated on land which lies beyond the rear garden of the application dwelling formally known as Glebe Farm, Groby as indicated by area G1 on the tree preservation order.
- 8.5. Leicestershire County Council also have a protection order on the neighbouring land under '**Leicestershire County Council Ratby Rd and Cowpen Spinney 1970 Woodland Tree Preservation Order**'. It is important to note however that the Oak tree in this application is subject to the Hinckley and Bosworth Tree preservation order 75/00006/TPORD.
- 8.6. The Arboricultural officer has reported that the tree is "in good condition both physiologically and structurally" and is unlikely to require any intervention for many years to come.
- 8.7. The Local Planning Authority is required to consider the public benefit of proposed works to protected trees. In this case it is considered that the public amenity value of the trees would be harmed if the works carried out as described.
- 8.8. The works proposed are therefore considered unnecessary and would have negative impact upon the overall character and appearance of the area.

Whether the application is justified

- 8.9. The work proposed has been assessed and is considered to be unwarranted. The Arboricultural officer has advised that "Working on this tree would cause unnecessary wounding, open it up to fungal colonisation and encourage poorly unionised water shoots local to the cuts".
- 8.10. By virtue of the above it is considered that the work would have a significant impact upon public amenity and is therefore unacceptable.

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. Overall the proposed works would have a significant, negative impact upon the overall character, appearance and visual amenity of the area and would result in potential harm to a protected tree without adequate justification. The proposal is therefore 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.

11. Recommendation

11.1. **Refuse consent** subject to the reasons outlined at the end of this report

11.2. Reasons

1. The proposed works would have a significant, negative impact upon the overall character, appearance and visual amenity of the area and would result in unnecessary harm to a protected tree without adequate justification. The proposal is therefore 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.