

Delegated Report

Planning Ref: 25/00595/TPO
Applicant: Mrs Hancock
Ward: Newbold Verdon Parish Council



Hinckley & Bosworth
Borough Council

Site: Church Farm, 16 Main Street, Newbold Verdon, Leicester, Leicestershire, LE9 9NL.

Proposal: T1 Oak – Remove and replace with Ginkgo biloba. Reason: The tree is damaging the adjacent wall. Species will become overwhelmingly large for location likely resulting in damage to the adjacent barns. Constant size maintenance will be required due to restricted location. Due to location above the only parking area the constant detritus falling from the tree is making the parking area unusable.

1. Recommendations

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

2. Planning Application Description

- 2.1 The application seeks consent for the following works at Church Farm, 16 Main Street, Newbold Verdon, Leicester, Leicestershire, LE9 9NL.
- T1 Oak – Remove and replace with Ginkgo biloba. Reason: The tree is damaging the adjacent wall. Species will become overwhelmingly large for location likely resulting in damage to the adjacent barns. Constant size maintenance will be required due to restricted location. Due to location above the only parking area the constant detritus falling from the tree is making the parking area unusable.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to an Oak tree (T1) at Church Farm and sits towards the front of the dwelling on The Paddock within the settlement boundary of Newbold Verdon.
- 3.2. The tree affected by the proposed work is protected under T2 of the Hinckley and Bosworth (Land at 16 Main Street, Newbold Verdon) Tree Preservation Order 2011 (11/00011/TPORD).

4. Relevant Planning History

- 20/00716/TPO
- TPOPER
 - Works to Oak and Sycamore
 - 20.07.2020

- 11/00722/TPOCA
- TORDER
 - REMOVAL OF SYCAMORE TREE AND WORKS TO 1NO OAK TREE
 - 09.09.2011

5. Publicity

- 5.1. No neighbour notification has taken place in this instance.

6. Consultation

- 6.1. Newbold Verdon Parish Council:

'Council resolved to object to this; it is a 70-year-old established oak tree. Council recommends control rather than removal.'

- 6.2. HBBC Arboricultural Officer Comments:

'There is not sufficient justification for felling of the Semi-Mature Pedunculate Oak subject to the TPO.'

An application may be sought in the future to subtly reduce the crown in the interest of delaying subterranean development if this is a concern in terms of causing damage to barns. Supporting evidence may be required in the form of a structural engineer's report.

Detritus from the tree is a seasonal nuisance and is not an issue we address in line with our Tree Policy. TPO management at Hinckley and Bosworth Borough Council is primarily focussed on maximising the respective tree's safe and useful life.'

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. Desford Neighbourhood Plan 2018 – 2036 (DNP) (2021):

- Policy ENV6: Safeguarding Important Views

- 7.3. National Planning Policies and Guidance:

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

- 7.4. 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 application seeks the removal of an Oak tree situated to the front of the application dwelling, and where there have been previous Tree Preservation Order applications to maintain the Oak tree which have been approved.
- 8.5. The tree is a significant part of the street scene of both Main Street and The Paddock within Newbold Verdon. The tree contributes positively to the amenity and the character of the local area and removal and replacement would not be in compliance with Policy ENV 6: Safeguarding Important Views in the Desford Neighbourhood Plan (2018 – 2036).

Whether the application is justified

- 8.6. The application has been assessed by the HBBC Arboricultural officer who does not support the removal of the Oak tree. An application to subtly reduce the crown is recommended in the delaying subterranean development if damage to the surrounding barns is a concern. Supporting evidence such as a structural engineer's report is also recommended for a future application.
- 8.7. There has also been an objection from the Newbold Verdon Parish Council who resolved to recommend control rather than removal due to the tree being an established part of the identity of Newbold Verdon and a 70 year old established Oak tree.
- 8.8. By virtue of the above it is considered that the work would have a significant detrimental impact upon public amenity and is therefore **not acceptable**.

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. In conclusion the proposed works are considered to be unacceptable. The proposal is, therefore in **accordance** with policy DM10 of the SADMP and paragraph 136 of the NPPF (2024). **As a result, the application should be refused subject to the reasons at the end of this report.**

11. Recommendation

11.1. **Refused subject to the reasons at the end of this report**

11.2. Reasons

The HBBC Arboricultural officer has assessed the application and does not support the removal of the Oak tree as there is not sufficient justification and evidence provided.

1 The proposed works would have a significant negative impact upon the 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), paragraph 136 of the National Planning Policy Framework (2024) and Policy ENV 6: Safeguarding Important Views in the Desford Neighbourhood Plan (2018 – 2036).