

Delegated Report

Planning Reference 26/00416/TPO
Applicant(s) Mr Calum Duncan
Ward Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Application Site 50 Main Street, Desford, Leicestershire, LE9 9GR

Proposal Ash Tree (T1) – Removal of the lower 2 limbs.

Case Officer Jack Playle (Technical Planning Assistant)

1. Recommendations

1.1. **Refuse consent** subject to conditions reasons at the end of this Report:

2. Planning Application Description

2.1. This application seeks consent for the removal of two lower limbs of a protected Ash Tree ('T1') at 50 Main Street, Desford.

3. Description of the Site and the Surrounding Area

3.1. The application relates to a protected Ash Tree located to the north of Desford to the rear of 3 Grange Court and to the rear of 50 Main Street in the Desford Conservation Area. 50 Main Street is Grade II Listed Building. Although the tree is located within the rear garden of 3 Grange Court, the proposed works seek consent to remove two lower limbs that extend into the rear garden of 50 Main Street, Desford. The tree affected by the proposed works is protected under A1 of the Borough Council of Hinckley and Bosworth Desford (Desford Grange) Tree Preservation Order 76/00005/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 Sections 16 and 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 does not include any requirement to consult third parties on applications for consent under a Tree Preservation Order. Nevertheless, 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 stated:

'I object to the proposed removal of the two lateral limbs, as no sound Arboricultural justification has been provided to support these works.'

Their removal would appear to result in the loss of a substantial proportion of the live crown, giving rise to large pruning wounds and likely resulting in adverse physiological and structural implications for the long-term health and condition of the tree. Where concerns relate to encroachment, alternative and less invasive pruning specifications should first be explored in order to address those issues whilst retaining the tree's form, function and amenity value.'

6.2 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 National Planning Policies and Guidance:

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

8. Appraisal

8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified.

8.2. Paragraph 136 of the NPPF highlights that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined.

- 8.2 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.
- 8.3 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.4 The affected tree is subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value. Due to its size and position within the Desford Conservation Area, the protected Ash Tree ('T1') is considered to play an important part for the character and the appearance of the local area and neighbouring properties.
- 8.5 The proposed works have been assessed in conjunction with the Council's Arboricultural Officer, who has advised that no sound arboricultural justification has been provided and that the works would likely result in adverse physiological and structural implications in relation to the long-term health and condition of the tree.
- 8.6 Therefore, the proposed works are considered to be unnecessary and would result in a significant and detrimental impact upon the protected tree and the character and appearance of the surrounding area and Desford Conservation Area, to which the tree positively contributes to. By virtue of these factors, the proposal is contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the SADMP, 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 In conclusion, the proposed works would be considered to be unnecessary and result in a significant and detrimental impact upon the protected tree and the character and appearance of the surrounding area and Desford Conservation Area, to which the tree positively contributes 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) and Paragraph 136 of the National Planning Policy Framework (2024).

11. Recommendation

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

11.2 Reasons

1. The proposed works would be considered to be unnecessary and would result in a significant and detrimental impact upon the protected tree and the character and appearance of the surrounding area and Desford Conservation Area, to which the tree positively contributes to. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) 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:
 - Site Location Plan (submitted 07.05.2026).
 - Photos of the Tree (submitted 07.05.2026).