

Hinckley & Bosworth Borough Council

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

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

Name and Address of Applicant

Gill
Rotherwood Station Road
Desford
Leicestershire
LE9 9FP

Name and Address of Agent (if any)

Mr William Davies
William Davies Arb
14 Shirley Drive
Syston
Leicester
LE7 1LU

Part I - Particulars of Application

Date of Application

25 May 2026

Application No.

26/00476/TPO

Particulars and location of proposed work :

T1 Fraxinus excelsior - Fell, tree has heavy bias toward structure and low amenity value. Replant with Fagus sylvatica 175/200cm within 10m of T1.

T2 Fraxinus excelsior - Fell, tree has poor form and little amenity value. Replant with Fagus sylvatica 175/200cm within 10m of T2

T3 Acer pseudoplatanus - Pollard at approx. 35ft to maintain tree whilst managing height and spread.

T4 Aesculus hippocastanum - Fell, basal defect and concerns about future structural integrity. Replant with Quercus robur 175/200cm within 10m of T4.

T5 Acer pseudoplatanus - Fell, basal defect and concerns about future structural integrity. Replant with Sorbus aucuparia 175/200cm within 10m of T5.

Rotherwood Station Road Desford Leicester Leicestershire

Part II

The trees affected by the proposed work is protected by the Hinckley and Bosworth (Land off Woodgate Road, Burbage) Tree Preservation Order (93/00002/TPORD).

Part III - Particulars of decision

The Hinckley and Bosworth Borough Council hereby consents to the work proposed in the application referred to in Part 1 hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

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

2. The approved works shall only be carried out in accordance with British Standards Recommendations for Tree work - BS 3998:2010.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the tree in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The proposed works to the Ash trees (*Fraxinus excelsior*) (T1 and T2) and to the protected Horse Chestnut (*Aesculus hippocastanum*) (T4) and Sycamore tree (*Acer pseudoplatanus*) (T5) shall be restricted to felling only.

The proposed works to the Sycamore tree (*Acer pseudoplatanus*) (T3) shall be restricted to Pollarding at approx. 25ft.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the trees in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. The replacement trees shall be 175cm to 200cm and planted within 10 metres of each respective felled tree during the next available planting season (October to March): in accordance with the approved details below

- Ash trees (*Fraxinus excelsior*) T1 and T2 to be replanted as Common Beech trees (*Fagus sylvatica*)
- Horse Chestnut tree (*Aesculus hippocastanum*) T4 to be replanted as an English Oak tree (*Quercus robur*)
- Sycamore tree (*Acer pseudoplatanus*) T5 to be replanted as a Rowan tree (*Sorbus aucuparia*).

Reason: To ensure that a replacement tree is planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

NOTES TO APPLICANT :-

1. You are advised that consent is valid for a period of two years commencing from the date permission is granted, the works for this consent may only be carried out once unless stated otherwise by condition.
2. **This permission does not affect any private property rights and does not authorise the applicant to carry out work on land outside of their control. The applicant is therefore required to obtain the landowners consent prior to commencing any works.**
3. It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore if the tree is mature and has hollow cavities, is covered with ivy or has a suitable habitat in which bats may roost we recommend that it be surveyed for bats before any work is carried out.
4. The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. We therefore recommend that work to trees is done outside the nesting season - i.e. between the end of August and beginning March. If work is to be undertaken during the bird breeding season, we recommend that a suitably qualified ecologist surveys the tree for nesting birds. If nesting birds are present, work must be postponed until the young have left the nest.
5. You are advised that if a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.

C. Brown.

Date :- 24 July 2026

Christopher Brown MRTPI
Associate Director Planning & Regeneration

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 of intention.
 - (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.

**TPOPER &
TPOCAC NOTES (02/07/2014)**