

Delegated Report

Planning Reference 26/00464/TPO
Applicant(s) Mrs Trica Attenborough
Ward Barwell



Hinckley & Bosworth
Borough Council

Application Site Stanley House, 29 High Street,
Barwell, Leicester, Leicestershire, LE9 8DS

Proposal Beech (T1) – Fell as the tree is overbearing is in an urban area and concerns over root damage and debris.

Case Officer Jack Playle (Technical Planning Assistant)

1. Recommendations

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

2. Planning Application Description

2.1. This application seeks consent to fell a protected Beech Tree (T1) at Stanley House, 29 High Street, Barwell. The Applicant has suggested that the tree is overbearing in an urban area and does not provide any visual amenity. The Applicant also raised concerns regarding the Protected Tree's impact upon health and safety, the pavement and the road, their private property, and their mental health.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a protected Beech Tree (*Fagus Sylvatica*) that is protected under T1 of the Hinckley and Bosworth (29 High Street) Tree Preservation Order 94/00001/TPORD. The protected tree is located to the south of Stanley Street within the rear garden of Stanley House, 29 High Street in Barwell and its associated Conservation Area.

4. Relevant Planning History

4.1	20/00624/TPO	Permitted	(determined: 18.09.2020)
	Crown raise and thin Beech tree (T1)		
4.2	19/01318/TPO	Refused	(determined: 10.03.2020)
	Crown raise, crown reduction and clear out to Beech tree		

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.

- 5.2 Nevertheless, the application has been publicised by sending out letters to local residents. One response was received from a member of the public, which was in objection to the proposed works. The objection was raised because the tree appears to be in a healthy condition, has not caused any damage to external adjacent properties or public infrastructure, and has not posed any health and safety concerns. The response highlighted that the protected tree positively contributed to the character of Barwell Conservation Area and the surrounding area, and also provides several ecological, flood mitigation, and environmental benefits. No further responses have been received.

6. Consultation

- 6.1 Barwell Parish Council requested that a tree surgeon report was submitted as part of the application to confirm the effect of removing a tree of this size on the surrounding road and built form.

- 6.2 The Council's Arboricultural Officer raised a strong objection to the proposed works because:

'No credible Arboricultural justification has been provided, and size alone is not a valid reason for removal. The tree is a prominent feature in both the landscape and the street scene, making a significant contribution to local amenity.'

- 6.4 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

- 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 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. 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.
- 8.3 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, the protected tree is considered to play an important part for the character and appearance, and thus significance, of Barwell Conservation Area, and the character of the surrounding area.
- 8.4 The proposed works have been assessed in conjunction with the Council's Arboricultural Officer, who has advised that no credible arboricultural information has been provided to justify the proposed works. Therefore, the proposed works would be considered to be unnecessary. As result, the unjustified loss of the protected tree would be considered to have a significant and detrimental impact upon the protected tree and the character and appearance of the surrounding area, including the character and significance of the Barwell 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 SADMP, and Paragraph 136 and Chapters 12 and 16 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 would result in a significant and detrimental impact upon the protected tree and the character and appearance of the surrounding area, including the character and significance of Barwell 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 and Chapters 12 and 16 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, including the character and significance of the Barwell 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 and Chapters 12 and 16 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:
 - Application Form (submitted; 19.05.2026)
 - Photos of the Tree (submitted: 19.05.2026)
 - Planning Statement (submitted: 19.05.2026).