

## Delegated Report

**Planning Reference** 26/00501/TPO  
**Applicant** Mr Conor Gardner  
**Ward** Burbage, Sketchley, and Stretton



Hinckley & Bosworth  
Borough Council

**Application Site** Horse Chestnut T1 – Pollard to finishing height of approximately 10-12 metres and removal of 3 lower lateral boughs extending excessively into neighbouring gardens

**Case Officer** Rudi Simpson (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 pollard protected Horse Chestnut tree ('T1') to a finished height of approximately 10 to 12 metres and to remove its three lower lateral boughs at 17 Kensington Avenue, Burbage

2.2. This application originally proposed two options for managing the tree. Option 1 involved a combined approach including a 30% whole crown reduction, a 30% crown thin and a crown lift to 6m above ground level. Option 2 was the Applicant's preferred proposal (as described above) and was the one pursued as part of this application.

### 3. Description of the Site and the Surrounding Area

3.1. The application site relates to a protected Horse Chestnut Tree (T1) located to in the rear garden of 17 Kensington Avenue, which is to the south of Burbage. The tree affected by the proposed work is protected by the Borough Council of Hinckley and Bosworth Burbage (Sketchley House) Tree Preservation Order 1975 (75/00002/TPORD).

### 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. 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 objected to the proposed works because the proposed specification would not be consistent with current arboricultural best practice and would be likely to cause unnecessary harm to the tree. The Arboricultural Officer stated that the extent and nature of the proposed works would not reflect the principles and recommendations set out within BS 3998:2010 and no evidence has been provided to demonstrate a significant safety concern with the tree that would require intervention.
- 6.2 Burbage Parish Council also objected to the application because the proposed works would significantly alter the appearance of a mature, protected tree and no evidence has been provided to show that the tree represents a risk to safety.
- 6.3 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
- 7.3 Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):
- Policy 2: Design and Layout
  - Policy 12: Important Trees
- 7.4 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
- 8.1 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.

- 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. Policy 2 of the BNP states that residential development must respect its surroundings and retain existing important nature features such as trees.
- 8.3 Policy 12 of the BNP confirms that development proposals that damage or result in the loss of a tree or trees protected with a Tree Preservation Order or a tree or trees of significant amenity value and with important arboricultural, landscape or ecological significance, will only be permitted in exceptional circumstances.
- 8.4 The affected tree is subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value. The Horse Chestnut tree ('T1') is situated to the rear garden of the application site and due to its size and position are considered to play an important part for the character and the appearance of the local area.
- 8.5 The proposed works have been assessed in conjunction with the Council's Arboricultural Officer, who stated that no evidence has been provided to demonstrate a significant safety concern with the tree that would require intervention. By virtue of the extent and nature of the proposed works, the Council's Arboricultural Officer did not consider the works to represent arboricultural best practice or reflect the principles and recommendations of BS 3998:2010. As such, the proposal would be likely to result in unnecessary and significant harm to the protected tree.
- 8.6 Given the above, the proposed works would be considered to be unnecessary and would result in significant harm to the protected tree, which would have a significant detrimental impact upon the character and appearance of the protected tree and the surrounding area. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the SADMP, Policies 2 and 12 of the BNP, 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that consent is refused.

## **11. Recommendation**

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

### **11.2 Reasons**

1. The proposed works would be unnecessary and would result in significant harm to the protected tree, which would have a significant detrimental impact upon the character and appearance of the protected tree and the surrounding area. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies 2 and 12 of the Burbage Neighbourhood Plan (2021) 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 details submitted on 03 June 2026:
  - Application Form
  - Tree Location Plan
  - Photos of the tree