

## Delegated Report

**Planning Reference** 26/00193/TPO  
**Applicant(s)** Dave Formaston

**Ward** Ambien

**Application Site** Willowbrook House, 4 Manor View,  
Sibson, Nuneaton, Leicestershire,  
CV13 6LF

**Proposal** T1 - Pine Tree - To fell, replace with Monkey Puzzle. Tree is causing issues with light, debris and concerns over safety in bad weather.

**Case Officer** Jack Playle (Technical Planning Assistant)



Hinckley & Bosworth  
Borough Council

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### 1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this report:

### 2. Planning Application Description

2.1. This application seeks consent for the following works at **Willowbrook House, 4 Manor View, Sibson**.

- **T1 - Pine Tree - To fell, replace with Monkey Puzzle. Tree is causing issues with light, debris and concerns over safety in bad weather.**

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

3.1. The application site relates to a Pine tree located to the west of Manor View and is situated to the front of Willowbrook House, No 4 Manor View within the settlement boundary of Sibson. The tree(s) affected by the proposed work is protected under A1 of the Borough Council of Hinckley and Bosworth (Sibson (Sibson Manor, Sheepy Road) Tree Preservation Order 90/00010/TPORD which protects a variety of trees.

### 4. Relevant Planning History

#### 4.1 24/00412/TCA

- 03.06.2025
- Declined to Make
- T1 - Pine - Reduce sides and top corners by up to 2.40 metres height and tidy up torn/dead branches. T2 - Maple - Raise lower canopy by removal of 3-4 branches.

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- T3 - Ash tree - Remove the 2 lowest limbs to the main trunk. T4 - Ash tree - Remove to collar three low branches and reduce fork growing towards house by 2.00-3.00m. T5 - Ash Tree - Remove 4 low branches to collar reduce mid crown growing towards house by around 2.00-3.00m blending into crown and reducing away from the property.
- 19.06.2024
- Permitted

**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.**
- 5.3 No further responses have been received.

**6. Consultation**

- 6.1 The Council's Arboricultural Officer stated:

*'Based on the information provided, there is presently insufficient evidence to support the proposed felling of the Pine. I appreciate the concerns raised; however, loss of light and seasonal debris are not considered valid reasons for the removal of a Tree Preservation Order (TPO) protected tree. No survey or detailed Arboricultural report has been submitted identifying structural defects or other issues that would necessitate removal. Obtaining such evidence may help address residents' concerns and, if warranted, support the application. I am happy to visit the site to gain a better understanding. However, without substantive evidence demonstrating a need for removal, I do not support felling the tree at this time.'*

12.05.2026 – *'I visited the site and inspected the tree from the public highway. Given its location and historic poor pruning, which has left it with an atypical form and poor structure, it is evident that the tree now makes a limited contribution to the local landscape. Before any permission is granted, suitable replacement planting should be secured. I note the existing tree is situated within a hardstanding area (driveway), and replanting in the same location would represent poor practice due to constraints and proximity to nearby buildings. The proposed replacement species and an alternative planting location within the property boundary should be submitted to and agreed in writing with the Local Planning Authority (LPA) prior to consent being issued.'*

6.2 Following discussions with the agent and Council's Arboricultural Officer, an agreement in writing was agreed for the replacement tree to be of a Monkey Puzzle species.

6.3 No further responses have been received.

6.4 Sheepy Parish Council:

Sheepy Parish Council's position was neutral on this application and would support the Council's Arboricultural recommendation.

## **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 Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):

- Policy S8: Design

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

8.2 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(s) are subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value.

- 8.4 The tree (T1) is situated to the front of Willowbrook House, No 4 Manor View and due to the size and position of the trees, they are considered to play an important part for the character and the appearance of the local area and neighbouring properties.
- 8.5 The Council's Arboricultural Officer has assessed the application and supports the proposal to fell the Pine tree (T1) and replace it with a Monkey Puzzle tree as part of ongoing sustainable tree management. It is therefore considered that the proposed works would be suitable as long as they are carried out in accordance with BS 3998:2010. By virtue of the above it is considered that the work would not have a significant impact upon public amenity and is therefore acceptable in accordance with Policy DM10 of the SADMP.

## **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 acceptable and therefore in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and

Paragraph 136 of the National Planning Policy Framework (2024), subject to the imposition of appropriate conditions.

## **11. Recommendation**

11.1 **Grant consent** subject to conditions at the end of this report:

### **11.2 Conditions and Reasons**

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.

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) and Paragraph 136 of the National Planning Policy Framework (2024).

3. Within one month of the removal of the Pine tree (T1); details of the replacement Monkey Puzzle including its size, location and maintenance requirements shall be submitted to, and approved in writing by, the Local Planning Authority. The replacement tree shall be of container-grown standards, in a pot with a minimum volume of 35 litres and sited outside of the existing crowns and driplines. The replacement tree shall be planted in accordance with the approved details during the next available planting season (October to March).

**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) and Paragraph 136 of the National Planning Policy Framework (2024).

#### **a. Notes to Applicant(s)**

1. The Applicant is advised that the consent hereby granted is only 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, the affected tree(s) should 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. All works to trees should therefore done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.
5. You are advised that if the 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.