

Hinckley & Bosworth Borough Council

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

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

Name and Address of Applicant

Mr Ben Smith
Persimmon Homes North Midlands
Davidson House
Meridian East
Meridian Business Park
Leicester
Leicestershire
LE19 1WZ

Name and Address of Agent (if any)

Mr Peter Stubbings
JAKent Services Ltd
Chestnut Farm
Chestnut Lane
Nottingham
NG11 0AE

Part I - Particulars of Application**Date of Application**

28 March 2023

Application No.

23/00306/TPO

Particulars and location of proposed work :

Please see application form

Land At Oaks Tree Close Groby Leicestershire

Part II

The tree(s) affected by the proposed work is/are protected by the Hinckley and Bosworth Tree Preservation Order reference 83/00003/TPORD.

Part III - Particulars of decision

The Hinckley and Bosworth Borough Council hereby refuses consent to the work proposed in the application referred to in Part 1 hereof in accordance with the application form and plans submitted for the following reason(s) :-

1. Without any satisfactory justification and due to the insufficient information provided the proposed works would result in the damage/loss to protected trees. The proposed development would therefore result in a significant detrimental impact upon visual amenity, contrary to Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).



Christopher Brown MRTPI
Head of Planning

Date :- 1 September 2023

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

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.
- (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.

**TPOREF &
TPOCAR NOTES (02/07/2014)**