Hinckley & Bosworth Borough Council

A Borough to be proud of

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

NOTIFICATION TO CARRY OUT WORK TO TREE(S) SITUATED IN A CONSERVATION AREA

Name and Address of Applicant
Mrs Sarah Payne
51 The Green
Markfield
Leicestershire
LE67 9WD

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	**Application No.**
25 February 2011	11/00146/TPOCA

Particulars and location of proposed work :

WORKS TO FOUR TREES AND REMOVAL OF TWO TREES.

51 The Green Markfield Leicestershire LE67 9WD

Part II

The trees affected by the proposed work are not protected by a Tree Preservation Order but are situated in Markfield Conservation Area.

Part III - Particulars of decision

In respect of trees T1 Whitebeam, T2 Walnut, T3 Purple Plum, T6 Hawthorn and T7 Laburnums, Hinckley and Bosworth Borough Council is unable to grant consent for the works proposed in the application referred to in Part 1 hereof in accordance with the application form and plans submitted as their loss would have a detrimental effect on the visual amenity of the area.

The Hinckley and Bosworth Borough Council has made a Tree Preservation Order in respect of the trees and no works to the trees shall be carried out until the appropriate application has been received and determined by the Local Planning Authority.

In respect of tree T5 Hawthorne, no objection is raised to the removal of this tree as it is not considered suitable to merit the protection of a Tree Preservation Order.

NOTES TO APPLICANT :-

1. It is a criminal offence to damage or destroy a bat roost. Therefore, if the tree is mature and has hollow cavities and / or is covered with ivy, or has suitable places in which bats might roost, we recommend that it be surveyed for bats before any work is carried out to the tree. All birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e between the end of August and beginning March. If work to the tree 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.

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

2. For professional arboricultural advice regarding appropriate works, please contact the Local Planning Authority's Tree Officer (Julian Simpson) who be will able to assist.

3. Any future application to carry out works to trees which are covered by a Tree Preservation Order should be accompanied by a schedule of works to the standard required by BS 3998:2010.

Date :- 18 April 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

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 appeal to The Planning Inspectorate. (Notice of appeal must be given in writing within 28 days from receipt of notification of the decision, and should be addressed to The Environment Team, The Planning Inspectorate, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN.

   (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 12months 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.

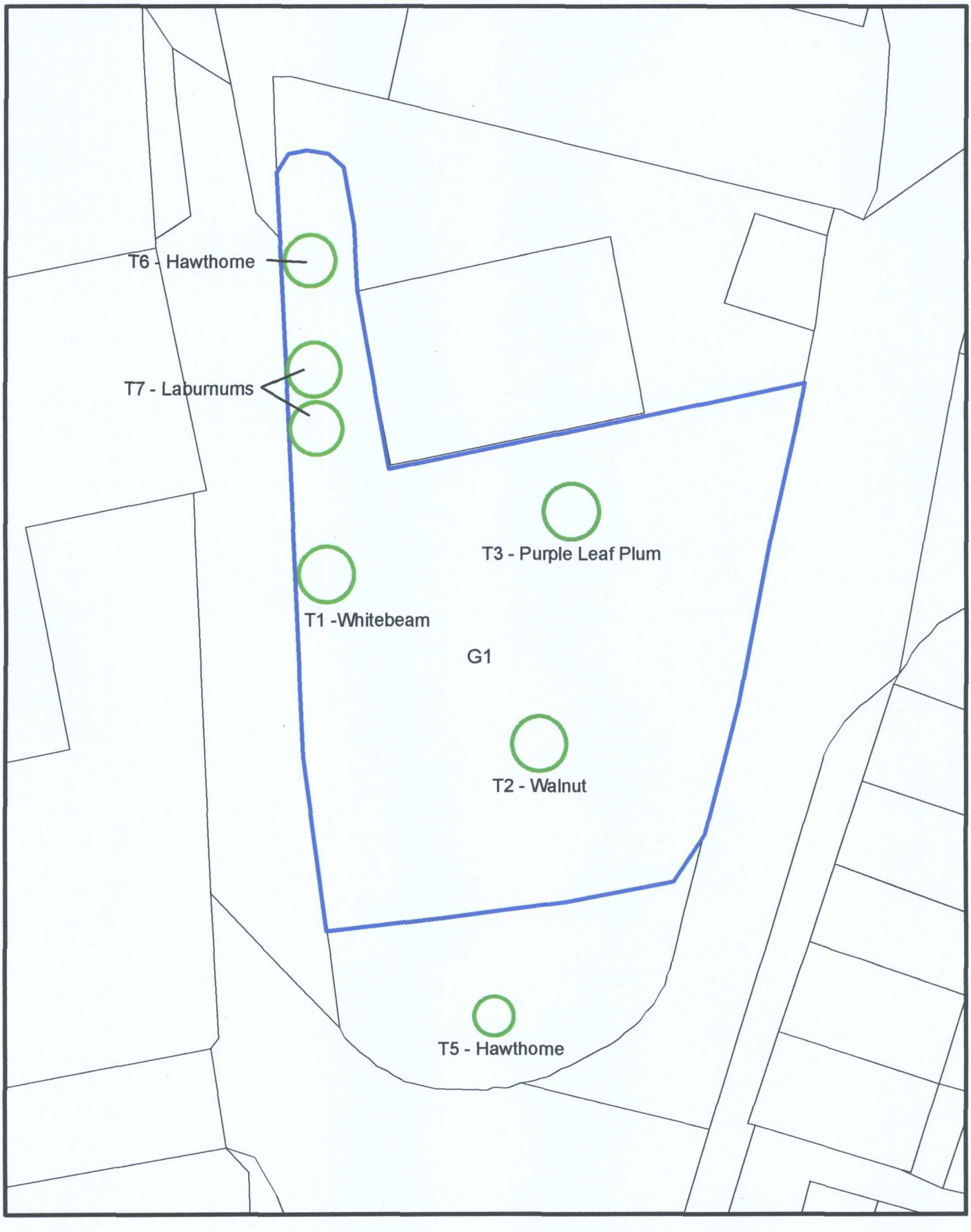
   (ii) if the Council has refused consent, it will probably also have made a Tree Preservation Order (see part III overleaf) in respect of same or all of the trees. If it has the provisions relating to such orders will therefore apply.

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

51 The Green Markfield - Application 11/00146/TPOCA



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Legend

Tree Preservation Order

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