

Delegated Report

Planning Reference 26/00652/TPO
Applicant Mr Chris Joyce
Ward Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Application Site 8 Summers Close, Kirkby Mallory

Proposal T1 Lime - Crown reduce by 30% 4-5mtrs lower than last pollard point. The tree has been pollarded many times it is now just a mass of green and my client and neighbours are all losing light but gaining a ton of leaf in the winter. The aim is to create a new smaller crown that won't be such a blot of green

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 crown reduce a protected Lime tree ('T1') by 30% to four to five metres lower than the last pollard point at 8 Summers Close, Kirkby Mallory. The Applicant has stated that these works are required to reduce the tree's loss of light impact on their property and neighbouring properties.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a protected Lime tree located to the south of Summers Close and is situated to the rear of 8 Summers Close within the settlement boundary of Kirkby Mallory. The tree affected by the proposed work is protected under T4 of the Hinckley and Bosworth (Kirkby House Farm) Tree Preservation Order 86/00004/TPORD, which protects a variety of trees.

4. Relevant Planning History

- 4.1 **24/00894/TPO** Permitted (determined: 14.11.2024)
T1 – Re-pollard back to historic main frameworks as done back in 2020 (20/01265/TPO)
- 4.2 **20/01265/TPO** Permitted (determined: 15.04.2021)
T1 Lime Repollard
- 4.3 **18/01246/TPO** Permitted (determined: 01.02.2019)
Works to Lime tree
- 4.4 **15/00911/TPO** Permitted (determined: 09.10.2015)
Pollard T1 Lime and T2 Lime
- 4.5 **09/00772/TPO** Refused (determined: 25.11.2009)
Reduction in height of 2 no. Lime trees (T3 and T3 on TPO)
- 4.6 **07/00310/TPO** Permitted (determined: 13.04.2007)
Works to trees
- 4.7 **02/00900/TPO** Permitted (determined: 30.08.2002)
Works to two Lime trees

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. Nevertheless, 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 stated:

'I object to the proposed works as they do not represent sound arboricultural management. Given the tree's established pollard history, the appropriate management specification is to re-pollard at the existing pollard points on a cyclical basis (every 2-3 years), together with the removal of epicormic growth from the main stem. Reducing the tree 4-5m below the current pollard heads would create large wounds, be detrimental to the tree's long-term health, and is not considered appropriate management of a mature pollard.'

6.2 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 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2026)
- 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. NPPF Policy DP3 confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings. NPPF Policy N2 requires development proposals to conserve and enhance existing natural features of visual historic or nature conservation value (such as established trees and hedgerows) where possible.

8.3. 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.

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 tree (T1) is situated to the rear of 8 Summers Close, Kirkby Mallory and due to the size and position of the tree, it is 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 advised that the works would not represent sound arboricultural management because the proposed reduction of the protected tree by four to five metres below the current pollard heads would create large wounds that would be detrimental to the tree's long-term health.
- 8.6. Therefore, 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, to which the tree positively contributes to. By virtue of these factors, the proposal would be considered to be contrary to, and in conflict with, NPPF Policies DP3 and N2, and 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is therefore recommended that the consent for the proposed works 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 a significant and detrimental impact upon the protected tree and the character and appearance of the surrounding area, to which the tree positively contributes to. The proposal would therefore be contrary to, and in conflict with, Policies DP3 and N2 of the National Planning Policy Framework (2026) and Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant

1. The application has been determined in accordance with the following submitted details:
 - Aerial View (submitted: 17.07.2026)
 - Application Form (submitted: 17.07.2026)