

## Delegated Report

**Planning Ref: 25/00459/TPO**  
**Applicant: Mrs Jenny Bywater**  
**Ward: Ambien**  
**Site: The Lodge, 1 Manor View, Sibson, Nuneaton,**  
**Leicestershire, CV13 6LE**



**Hinckley & Bosworth**  
**Borough Council**

**Proposal: T4 - Sycamore - To be removed to ground level and replaced with re-planting Purple Beech hedging to 1 metre height initially**

**Case officer: Rudi Simpson**

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| <b>1.</b> | <b>Recommendations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1.1.      | Refuse consent subject to reasons at the end of this report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>2.</b> | <b>Planning Application Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2.1       | <p>The application seeks planning consent for the following works at The Lodge, 1 Manor View, Sibson, Nuneaton, Leicestershire, CV13 6LE</p> <ul style="list-style-type: none"><li>• T4 - Sycamore - To be removed to ground level and replaced with re-planting Purple Beech hedging to 1 metre height initially</li></ul>                                                                                                                                                                                                                                                                                        |
| <b>3.</b> | <b>Description of the Site and the Surrounding Area</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3.1.      | The application site relates to a two-storey detached residential dwelling situated within the settlement boundary and conservation area of Sibson.                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3.2.      | The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Sibson (Sibson Manor, Sheepy Road) Tree Preservation Order                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>4.</b> | <b>Relevant Planning History</b><br><br><b>18/00045/TPOCA</b> <ul style="list-style-type: none"><li>• T1-T8 Leylandii, Fell and grind large leylandii group</li><li>• TPOCAP</li><li>• 12.03.2018</li></ul><br><b>24/00935/TCA</b> <ul style="list-style-type: none"><li>• T1, T2 - Cypress trees (and any smaller Cypress trees with low health and poor amenity value.) - Fell</li><li>• DTM</li><li>• 29.10.2024</li></ul><br><b>24/00945/TPO</b> <ul style="list-style-type: none"><li>• (T1,T2,T3) - Ash trees - Remove to ground level. (T4) - Syacmore - Remove to ground level.</li><li>• SPLTPO</li></ul> |

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|           | <ul style="list-style-type: none"> <li>10.02.2025</li> </ul> <p><b>25/00351/TPO</b></p> <ul style="list-style-type: none"> <li>Work to trees</li> <li>APPRET</li> <li>29.05.2025</li> </ul> <p><b>90/00359/4</b></p> <ul style="list-style-type: none"> <li>RESIDENTIAL DEVELOPMENT</li> <li>REF</li> <li>29.08.1990</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>5.</b> | <b>Publicity</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5.1.      | The application has been publicised by sending out letters to local residents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5.2.      | No comments have been received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>6.</b> | <b>Consultation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 6.1.      | <p><u>Sheepy Parish Council</u></p> <p>"Please note this response is based on documents available on HBBC Planning Portal as at 20 May 2025. Sheepy Parish Council kindly request that it is notified and consulted on any later changes to this application so as to ensure full compliance with the Sheepy Parish Neighbourhood Plan made May 2022.</p> <p>Sheepy Parish Council has reviewed the above application-25/00459/TPO -(1 Manor View Sibson, T4 - Sycamore - To be removed to ground level and replaced with replanting Purple Beech hedging to 1 metre height initially), and believes it is not compliant with the legally binding Sheepy Parish Neighbourhood Plan 'made' May 2022, namely policy S8. It must be noted that all policies in the plan should be considered collectively when determining any planning application.</p> <p>Sheepy Parish Council notes that the tree in question, T4-Sycamore, is the same tree T4- Sycamore that was the subject of the planning application 24/00945/TPO - 11 October 2024. Sheepy Parish Council is cognisant of both the Delegated Report (10 February 2025) and Decision Notice (10 February 2025) for 24/00945/TPO and the reasons for its refusal. 'The proposed works to the Sycamore tree (T4) would have a significant, negative impact upon the overall character, appearance and visual amenity of the area, and would result in the loss of a protected tree in acceptable condition without proper justification. The proposal is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Neighbourhood Plan and paragraph 136 of the National Planning Policy Framework'. (Delegated Report 10 February 2025 - 24/00945/TPO)</p> <p>Furthermore, as this tree is also within Sibson Conservation Area Sheepy Parish Council will respect HBBC's wider planning regulation knowledge, not necessarily known by Sheepy Parish Council, on this matter."</p> <p><u>HBBC Arboricultural Officer</u></p> |

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|           | <p>"I would like to reject the request to remove the Sycamore tree in question at The Lodge, 1 Manor View, Sibson, Nuneaton. There is no attached justification for any works including information on its physiological or structural condition. This could be provided in the form of a report by a qualified consulting arborist without guaranteeing any particular outcome. Only in a suitable case can a tree protected by a Tree Preservation Order be felled and doing so without permission will incur large fines. The mentioning of replanting with a small hedge adds no mitigation to the claims of desired felling. I am keen, if the applicant was to persist with this request that I meet with them on site to affirm the legislation involved with protected trees."</p> |
| <b>7.</b> | <b>Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 7.1.      | <p>Core Strategy (2009):</p> <ul style="list-style-type: none"> <li>Policy 12: Rural Villages</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 7.2.      | <p>Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):</p> <ul style="list-style-type: none"> <li>Policy DM1: Presumption in Favour of Sustainable Development</li> <li>Policy DM10: Development and Design</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 7.3.      | <p>Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):</p> <ul style="list-style-type: none"> <li>Policy S8: Design</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 7.4.      | <p>National Planning Policies and Guidance:</p> <ul style="list-style-type: none"> <li>National Planning Policy Framework (NPPF) (2024)</li> <li>Planning Practice Guidance (PPG)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 7.5.      | <p>Other Relevant Guidance:</p> <ul style="list-style-type: none"> <li>Good Design Guide (2020)</li> <li>National Design Guide (2019)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>8.</b> | <b>Appraisal</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 8.1.      | <p>Key Issues</p> <ul style="list-style-type: none"> <li>Impact upon the amenity of the area</li> <li>Whether the application is justified</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|           | <u>Impact upon the amenity of the area</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 8.2.      | <p>Policy DM10 of the SADMP requires that consideration be given to the impact of the proposal on amenity and the character of the surrounding area. The tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 8.3.      | <p>Paragraph 136 of the National Planning Policy Framework (NPPF) (2024) states that existing trees make an important contribution to the character and quality of urban environments and should be retained wherever possible.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 8.4.      | <p>Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that important local features including trees are protected.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8.5.      | <p>This application seeks the removal of the Sycamore Tree (T4) situated to the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|           | south of the application dwelling. A similar application was submitted recently also requesting the removal of this tree which was subsequently refused (24/00945/TPO).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 8.6.      | The tree is highly visible from Sheepy Road and given its maturity and prominent location contributes positively to the amenity of the conservation area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 8.7.      | Since the previous application, the applicant has not provided any additional evidence to support the need for the removal of the Sycamore. It is therefore felt that the removal of the tree is unnecessary and would have a significant negative impact upon the amenity of the area without any arboricultural justification.                                                                                                                                                                                                                                                                                                                                 |
|           | <u>Whether the application is justified</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 8.8.      | The application has been assessed by the HBBC Arboricultural officer who does not support the removal of the tree due to the lack of arboricultural evidence. No information has been provided regarding its physiological or structural condition making it difficult to justify the reason for removal. However, it should be noted that providing such evidence would not in itself guarantee a favourable outcome. It would simply allow for a thorough assessment to be carried out.                                                                                                                                                                        |
| 8.9.      | The work proposed has been assessed and is considered to be unacceptable. It is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Neighbourhood Plan and paragraph 136 of the National Planning Policy Framework.                                                                                                                                                                                                                                                                                                                                                    |
| 8.10.     | By virtue of the above it is considered that the proposed removal of the Sycamore Tree (T4) would have a detrimental impact on the character and appearance of the conservation area and is therefore not acceptable.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>9.</b> | <b>Equality Implications</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 9.1.      | <p>Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> <li>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> |
| 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,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|            | 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).               |
| <b>10.</b> | <b>Conclusion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10.1.      | In conclusion the proposal is considered to be unacceptable. The proposal is not in accordance with the Sheepy Neighbourhood Plan, policy DM10 of the SADMP and paragraph 136 of the NPPF (2024). As a result, the application should be refused subject to the reasons at the end of this report.                                                                                                                                                                            |
| <b>11.</b> | <b>Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11.1.      | <b>Refused subject to the reasons at the end of this report</b>                                                                                                                                                                                                                                                                                                                                                                                                               |
| 11.2.      | <b>Reasons</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|            | The proposed works would have a significant, negative impact upon the overall character, appearance and visual amenity of the area and would result in unnecessary harm to a protected tree without adequate justification. The proposal is therefore contrary to the Sheepy Neighbourhood Plan, Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 136 of the National Planning Policy Framework (2024). |