

Confirmation of Tree Preservation Order (No 03/2021) – Trees on land adjacent to Furnace Place Estate Farm, Killinghurst Lane, Haslemere

Meeting: 20/06/2021
Ward: Chiddingfold and Dunsfold Ward
Case Officer: Graham Parrott

RECOMMENDATION That, Tree Preservation Order 03/2021 be CONFIRMED without modification.

1. Purpose and summary

To consider the objection to making of a Tree Preservation Order (TPO) 03/2021 and to determine whether the Order should be confirmed, with or without modification. The report has no direct resource implications. There are environmental benefits in retaining the tree which merits special protection.

2. Recommendation

It is recommended that the Tree Preservation Order 03/2021 applying to an trees on land adjacent to Furnace Place Estate Farm, Killinghurst Lane, Haslemere be confirmed without modification.

3. Reason for the recommendation

In the interests of conserving the character and amenities of the area by retaining statutory control over the future pruning or felling of mature trees.

4. Background

4.1 The Tree Preservation Order (TPO)

The Tree Preservation Order (TPO) 03/2021 was made on 28 January 2021. It affords protection to six Oak Trees on land adjacent to Furnace Place Estate Farm, Killinghurst Lane, Haslemere.

The Tree Preservation was made on a line of trees adjacent to the bordering highway form a long standing landscape element that were proposed to be retained adjacent to a recently refused application for change of use of buildings and its surrounding infrastructure.

However pre-emptive works were noted by officers to have already been under taken prior to the determination of the application. This included upgrading roadways internal to the site and the increase of available parking beneath or near to the trees, which has impacted on the trees available rooting areas.

The trees are considered significant mature features in the landscape providing structure to the pervading landscape character. They make a valuable contribution to public amenity.

The change of use of the buildings if consented to, was not in itself considered to have had a foreseeable impact on the trees themselves. It was however, and still is, considered appropriate to afford protection to the trees from further applications for improvements to the site's infrastructure, including possible further amended changes of use. As these would still have the potential to impact the trees, including likely pressures for tree pruning and removal. An example would be the seasonal fall of detritus on to the buildings, which currently has limited impact, to the agricultural current use. However if change of use is allowed in the future. Then detritus, in particular acorn fall, onto the tin roofing is likely to be perceived as a nuisance due to noise. Some reasonable remedial pruning would be considered acceptable to abate such a nuisance, but this should be controlled appropriately to ensure excessive or poor pruning practices are not undertaken.

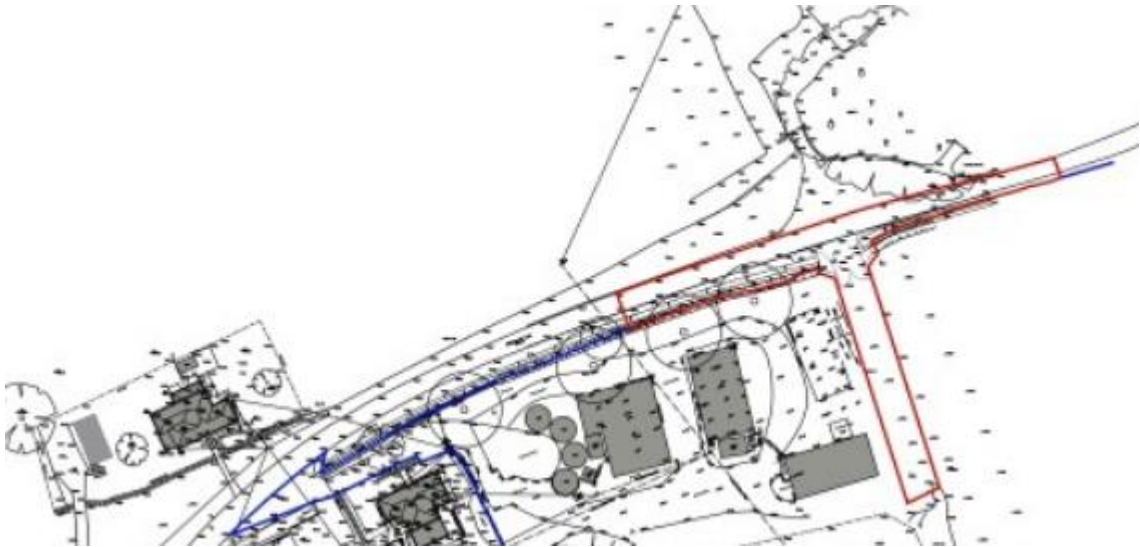
Communication from residents has highlighted their concern over the potential loss of four oak trees considered to be of a high amenity value and should be afforded protection. Following an officer visit it is considered that there are six oak trees adjacent to the roadside that are worthy of protection, due to their fair condition and foreseeable useful life expectancy.

The TPO will ensure that these six oaks are appropriately protected from future pressure or use of the site. Subsequently a reasonable level of control is maintained over future pruning and felling works in the interests of conserving public amenity.

Area of land on site subject of refused prior notification application for change of use to business storage and hotel - PRA/2020/0019



Area of land on site subject of application WA/2021/0031 for widening of existing agricultural access and replacement hardstanding to farm track



Location of Trees on land adjacent to Furnace Place Estate Farm, Killinghurst Lane, Haslemere



4.2 Relevant development plan policy and legislation

In accordance with Policy NE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 the Council will seek, where appropriate, to maintain and enhance existing trees within the Borough. In accordance with retained Policy D6 of the Waverley Borough Local Plan 2002 the Council will protect significant trees and groups of trees by using Tree Preservation Orders. In doing so the Council will have regard to:

- a) the condition of the trees
- b) their contribution to the public amenity of the area including appropriateness of the trees to their surroundings and the amount of tree cover in the area
- c) the historical significance of the trees and/or rarity of the species

The Council will encourage good management of important trees and groups of trees. Where work is proposed to protected trees or groups of trees the Council will take account of public safety and the retention of amenity, historic and wildlife value. Where appropriate, new tree planting will be required.

Under Section 198 of the Town and Country Planning Act (1990) the Local Planning Authority in pursuance of its powers has the ability to make trees subject of preservation orders in the interests of amenity when the threat or loss of such trees may result in a negative effect to the character of the local landscape.

The trees concerned were assessed in accordance with the Council's adopted Tree Guidelines (2012). The trees were under threat from pruning associated with recent planning applications. It was deemed expedient to place a TPO on the trees to safeguard them by exercising a level of control over their removal and future works that could significantly impact upon the trees' safe useful life expectancy. The Order has been made in recognition of the trees' size, age, species, position and contribution to the visual amenity and character of the landscape.

Oak trees viewed from Killinghurst Lane







Aerial view of trees location indicating landscape context.



4.3 Objection to the confirmation of the TPO

The objection to the TPO has been received from the landowner. The objection is on the following basis (full details of associated correspondence form Annexe 1 to this report):

- that all of Furnace Place estate woodlands are managed and under stewardship schemes and they have no intention to remove these trees.
- That they do not wish to have to apply for permission to prune the trees when they need access for large agricultural machinery. Work would be done by a professional company.

4.4 Officers' response

The trees are considered to be key element of the rural landscape which is characterised by enclosing hedgerow trees such as these oaks. Damage to, or future removal of these trees would have a negative impact on the character of the area and public amenity.

Officers found the trees to be of fair health and condition for species and age. The tree officer has communicated with the landowner to explain that reasonable pruning and management of the trees is possible by making a treeworks application, under the normal management programme being carried out by their land management professional. Therefore the imposition of a Tree Preservation Order is not considered to be an unreasonable imposition on the rights of the property owner.

The Town and Country Planning Act 1990 places a duty on the local planning authority that 'if it appears expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. The Act does not define 'amenity' however, it is generally accepted that this appears to mean 'the quality of being pleasant or agreeable'. Local Planning Authorities should be able to show that a reasonable degree of public benefit would accrue before a TPO is made or confirmed.

The Oak trees are visible in views from the surrounding area including from the Killinghurst Lane and more distant views from the surrounding area.

The trees form a key part of the rural landscape character and retaining a level of control over both current and future desires to prune or fell the trees is considered a reasonable approach to conserving and maintaining public amenity and the character of the area in light of the Council's refusal of the application for change of use.

4.5 Conclusion

It is concluded that the objections raised against the confirmation of Tree Preservation Order 03/2021 are not substantiated and do not override the public amenity value presented by the trees and the realistic threat to its

longer term retention.

5. Recommendation

That the Tree Preservation Order be confirmed.

Annexes:

- Annexe 1 – **Letter of objection inc attached letter**

From: [REDACTED] >
Sent: Thursday 01 April 2021 13:21
To: Andy Clout <Andy.Clout@waverley.gov.uk>
Subject: TPO 03/21

[** This email originates from an external source **]

Dear Zac,

I am writing further to your letter dated 28.1.21 informing us of TPO order 03/21. I am sure you can appreciate that with the unprecedented times we live in it has been difficult to organise a meeting due to covid 19 and comply within your 28 day rule. However, I have today managed to organise an on site meeting with Connick Tree Care to view other trees, as well as seeking their advice on trees that have been brought to my attention by a third party, for you to impose a TPO order on Furnace Place Estate.

All of Furnace Place estate woodlands are managed and under stewardship schemes and we have no intention to remove these trees. We would only seek to remove branches that are at risk to highways or our farm properties. As a working estate the only other reason we would need to prune back the trees would be for agricultural access of large arable machinery for which we would employ a professional company to do the job. We would prefer this course of action rather than having to apply to the council for tree work to be done should you insist on upholding the TPO order to which we object.

I have attached a letter sent to [REDACTED] for your information.

Yours Sincerely on behalf of [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]



1.4.21

Dear Mr Dawson,

I met with Stuart Wells, Area Manager, from Connick Tree Care this morning who was very helpful, under your recommendation. I am awaiting a quote for the removal of some of the branches of the oak tree on Killinghurst Lane that has been recognised through your surveyors as at risk to Highways. I also asked his advice on a number of other trees, more than 2.5m from the highway that may require further investigation in terms of safety.

I also asked Mr Wells advice on the preservation order TPO of 6 further trees on Killinghurst Lane as to their safety. In Mr Wells opinion as of today he deems them to be no risk to the highways. However he is going to put me in touch with his safety officer, to look at the trees and complete a safety check.

In the meantime, please could you ask Graham Banks from your Surrey Highways division to contact me over the T PO reference 03/21 and to discuss any further trees that may need our attention adjoining the highways.

Yours Sincerely

[Redacted signature box]

[Redacted name box]