



Waverley Borough Council
The Burys
Godalming
Surrey
GU7 1HR

5th November 2021

Dear Mr. Chudley, Mr. Elwood,

FORMAL APPEAL AGAINST TPO 09/21 2 Oak Trees at 25A Upper Bourne Lane, Farnham, GU10 4RG

Thank you for your time speaking with me on 22nd October 2021 and for subsequently providing written details of the new Tree Preservation Order (TPO) 09/21 applying to the two Oak Trees to the front of 25A Upper Bourne Lane, Farnham, GU10 4RG. For clarification, these trees are referred to as **T1** on the boundary of No. 25A and No. 25 Upper Bourne Lane and **T2** on the boundary of No 25A and No 29 Upper Bourne Lane (Ref. TPO 09/21 Plan).

I live at and own No. [REDACTED] the property immediately [REDACTED] door to [REDACTED] and the two oak trees. T2 is situated touching the boundary of my property and overhangs both the private car parking area of my property and the shared entrance providing vehicle access to both No. 29 and No. 25A from Upper Bourne Lane. When the TPO was applied on 27th July 2021 I was not written to by Planning Services and therefore you kindly granted a new 29-day period, commencing on 22nd October 2021, during which I am able to make a formal appeal and object to the TPO application. Please accept this email and pdf copy attached as my formal appeal and objection to the TPO.

Formal Appeal:

Background

I have lived at No. [REDACTED] for over 20 years and my neighbour, until 20th October 2021, when the property was sold to Mr. [REDACTED] was [REDACTED] with whom I have enjoyed an entirely friendly relationship without exception. We never discussed an application for a TPO or indeed even considered such a requirement. In a surprising circumstance the TPO was applied for during the process of the sale of No. 25A and I understand from [REDACTED], in the period *after* the property search was completed by his solicitor. I note from our conversation that the application was made by an unnamed 'third party', however [REDACTED] and I have reason to believe this to be someone known by [REDACTED]. I further understand from [REDACTED] that [REDACTED] had confirmed on the sale disclosure documents relating to 25A that no TPO applied to the property. Understandably, as the new owner of the property, [REDACTED] is also likely to raise an objection on his own behalf. The timing of the TPO and the lack of 'neighbourly' communication appears to have been a planned and secretive action to which [REDACTED] was likely complicit. By not objecting to the TPO [REDACTED] as the then owner of 25A, she effectively made the decision to allow it to proceed on Mr. [REDACTED] behalf as he purchased the property. This seems fundamentally wrong.

Wilding

●●●● as was ●●●● right, has for many years promoted the 'wilding' of her garden. In practice this has meant not cutting anything back or maintaining the substantial number of very large trees and uncontrolled saplings growing to the rear of the property, many of which now significantly block light to and encroach over the boundary to No. 29. The two oak trees, T1 and T2, are no exception and have not been maintained properly over the years as evidenced by the current overhangs on Upper Bourne Lane and the excessive debris that falls and accumulates both on Upper Bourne Lane and over property Nos. 25, 25A and 29. T1 has previously brought down phone and internet lines and sizeable branches can often be found on the Lane after stormy weather. This is a direct consequence of a 'do nothing' or wilding approach to these trees as opposed to responsible maintenance. A TPO is not in the interests of these trees and may even serve to be detrimental.

Responsible Maintenance

The most recent and only maintenance work to T2 I can recall was initiated and undertaken several years ago by me at my own expense. I believe it would be a more practical and manageable position to allow ●●●● as the new owner of 25A to remain the person responsible for these trees with me sharing this responsibility for the portion of T2 which directly affects or overhangs my property. This was after all a right that ●●●● herself enjoyed and exercised for several decades, so it seems inappropriate and unjust to apply a new TPO on ●●●● as he moves in as the new owner, especially at the point when the trees require work to be done. I would also like to retain my existing responsibility for T2 as affects my property. There appears to be no valid reason for a TPO to be in force based on 'amenity value', indeed it is an inconsistent approach when the numerous other trees in and along Upper Bourne Lane are not subject to TPOs. I believe a TPO will have a negative effect by dissuading myself and ●●●● from required maintenance by creating onerous restrictions and administration. Neither ●●●● or I have given reason which would lead to such a right and responsibility being removed from us by applying a TPO.

My Grounds for Objection

- The TPO has been applied for by someone not responsible for or affected by either T1 or T2
- The TPO has been applied for by someone with no direct relationship or consequence to T1 or T2
- The purchase of 25A was made on the understanding and legal declaration that there was no TPO applicable to the property
- These trees have not been subject to a TPO since I moved into No. 29 over 20 years ago and I see no reason why this should change due to the sale of No. 25A or ●●●● leaving
- The trees will benefit from encouraging myself and ●●●● to remedy overdue maintenance left by ●●●● inaction over many years.
- Prohibiting self-management with a TPO could serve to deter responsible maintenance and informed local decision making
- T1 and T2 have no discernible 'special' amenity value over and above any of the other numerous beautiful trees in Upper Bourne Lane
- There are no other TPO's applicable in Upper Bourne Lane to my knowledge
- Lack of maintenance of T1 and T2 by reflects the overall wilding of 25A by ●●●●
- The new owner should maintain full responsibility for these trees without restrictions in force
- Centralised control over T1 and T2 is less efficient and is impractical compared to decisions made by the owners of properties related and affected by these trees

I believe I should retain the right to take responsible actions for the parts of T2 relating to No. 29 to maintain my property ownership rights of the past 20 years and more. At the very least the TPO applying to T2 is unreasonable, unjustified and I believe should be reconsidered:

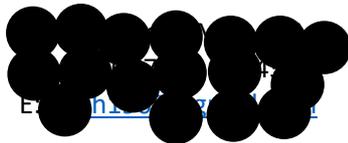
I request removal of the TPO.

- To retain local control of overhanging parts of T2 over my drive / car parking area / shared driveway and the steps leading to my property from Upper Bourne Lane
- To avoid further actual damage to my cars from birds in overhanging branches, sap on paintwork, acorns falling, twigs, branches and leaves causing damage
- To avoid the car roof of my car sustaining further visible dents from T2 debris
- Because T2 blocks light from the front of my property, and I wish to maintain my right of control over my own property as has been the case since purchasing it in 2001
- Because I have given no reason for it to be necessary to apply a TPO on a tree which directly affects my day to day living, applied for by someone who has no direct consequence
- Because T2 and T1 can cause difficulty for cars going out of the steep shared driveway by debris causing slippage
- As property owner managed maintenance for both of these trees is better than centralised Council imposed control
- As the property owners of Nos. 25, 25A and 29 are all better positioned to make practical and sensible decisions together about these trees than is the Council
- Because the timing of and way in which this TPO has been applied suggests it has been agreed without knowledge of the full facts and relevant details

As this is a formal appeal, please acknowledge receipt of this correspondence.

I look forward to hearing from you in due course and thank you for your consideration in this matter.

Yours sincerely

A redacted signature consisting of a cluster of black circles of varying sizes, obscuring the name and any text below it. A small blue underlined link is visible at the bottom left of the redaction.