



**APPEALS AND REVIEWS COMMITTEE**

This meeting will be recorded and the sound recording subsequently made available via the Council's website: [charnwood.gov.uk/pages/committees](https://charnwood.gov.uk/pages/committees)

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors C. Forrest (Chair), Bradshaw (Vice-Chair), Dent, Fox and Woodward (for attention)

All other members of the Council  
(for information)

You are requested to attend the meeting of the Appeals and Reviews Committee to be held in Committee Room 2, at the Council Offices, Southfields, Loughborough on Monday, 12th June 2023 at 5.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

31st May 2023

**AGENDA**

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 4

To receive and note the minutes of the previous meeting.

3. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

For information, disclosable pecuniary interests and registrable interests relate to

entries that are included, or should be included, on a councillor's register of interests. Non-registrable interests relate to any other matters.

4. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions were submitted.

5. BOROUGH OF CHARNWOOD (14 SANDERS ROAD, QUORN)  
TREE PRESERVATION ORDER 2023

5 - 16

A report of the Head of Governance and Human Resources.

## **PROCEDURE**

*The procedure to be followed in considering objections to Tree Preservation Orders is as follows:*

(a) *The Head of Governance & HR or his/her representative will introduce the report before the Appeals and Reviews Committee which will include written statements by both parties (i.e. the Head of Planning and Growth and the objector(s)).*

(b) *The Head of Planning and Growth or his/her representative will present his/her case for confirming the order with or without modifications.*

*Members of the Appeals and Reviews Committee and the objector(s) may then ask him/her questions.*

(c) *The objector(s) will present his/her case, if he/she wishes to do so.*

*Members of the Appeals and Reviews Committee and the Head of Planning and Growth or his/her representative may then ask the objector(s) questions.*

(d) *Members of the Appeals and Reviews Committee will ask the parties for any additional information or clarification they require.*

(e) *The Appeals and Reviews Committee, with the advice of the Head of Governance & HR or his/her representative as necessary, will then decide whether or not the order should be confirmed and, if so, whether with or without modifications.*

*The parties will not participate in the meeting at this stage and each will have the options of sitting in the public gallery or leaving the meeting.*

## APPEALS AND REVIEWS COMMITTEE 30TH JANUARY 2023

PRESENT: The Chair (Councillor Capleton)  
The Vice Chair (Councillor Howe)  
Councillors S. Bradshaw and Needham

Mr Coombs, Mr Whitfield (item 5, objectors)

Principal Solicitor - Planning, Property and  
Contracts  
Team Leader Natural & Built Environment  
Senior Ecological Officer  
Democratic Services Officer (LS)

APOLOGIES: Councillor J. Bradshaw

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

### 5. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Committee held on 25th July 2022 were received and noted.

### 6. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

No disclosures were made.

### 7. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

### 8. BOROUGH OF CHARNWOOD (KINGS LANE SOUTH CROXTON) TREE PRESERVATION ORDER 2022

Considered a report of the Head of Governance and Human Resources setting out details of the Tree Preservation Order served on the above site, the objections received to the Order and the comments of the Head of Planning and Growth on the issues raised by the objections (item 5 on the agenda filed with these minutes).

Assisting with consideration of the report: the Principal Solicitor (Planning, Property and Contracts).

The Head of Planning and Growth's representatives and the objectors attended the meeting to put forward their cases and answer the Committee's questions.

Mr Coombs (objector) circulated additional papers at the meeting in support of his case (copies retained for the record).

The Committee considered this matter in accordance with the “Procedure for Considering Objections to Tree Preservation Orders” set out in the Council’s Constitution and on the agenda for this meeting.

**RESOLVED** that the Borough of Charnwood (Kings Lane South Croxton) Tree Preservation Order 2022 be confirmed, with modification to exclude from woodland W1 the strip of land along the southern boundary and immediately to the north of Queniborough Brook as defined in Appendix 3 to Annex 3 of the report of the Head of Governance and Human Resources (agenda page 46).

#### Reason

Having considered in accordance with the procedure set out in the Council’s Constitution the objections to the Order, the Committee considered that the strip of land referenced in the above resolution lacked a woodland character and amenity value and that the trees therein should not therefore be protected.

However, the Committee considered that the reasons for forward for not protecting the trees in the remainder of woodland W1 did not outweigh the contribution they made to the amenity of the area and that the trees should therefore be protected.

The Committee noted that the protection afforded by a tree preservation order did not prevent the future and appropriate management of woodland via an agreed management plan.

#### NOTE:

No reference may be made to these minutes at the next available Ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.

## APPEALS AND REVIEWS COMMITTEE 12TH JUNE 2023

### Report of the Head of Governance and Human Resources

#### BOROUGH OF CHARNWOOD (14 SANDERS ROAD, QUORN) TREE PRESERVATION ORDER 2023

The above order relates to a tree T1 – Blue Spruce situated at 14 Sanders Road, Quorn.

The Council's Head of Planning and Growth considers that the tree makes a significant contribution to the visual amenity, character and appearance of the Conservation Area of Quorn.

A S211 Notice P/23/0029/2 was received on 9 January 2023 to remove a tree described as a 'fir' tree. The tree roots had exerted lateral thrust and cracked the rather small containing raised edging around its base. The owner wished to replace the tree with of smaller ultimate stature. The owner stated that he found the tree claustrophobic indicating he felt it already over dominated his paved front garden. The tree is a juvenile blue spruce *Picea Pungens* in good physiological condition. A TEMPO assessment was carried out with a score of 20. Therefore, the Head of Planning and Growth considers it appropriate to ensure that the tree is properly protected and retained in a satisfactory manner through the making of this Tree Preservation Order.

Therefore, an Order was made on 16th February 2023 to provisionally protect the tree.

A copy of the Order is attached at **Annex 1**.

An objection to the Order was received from the owners of the site, Steve and Emma English.

A copy of the objection is attached at **Annex 2**.

The Head of Planning and Growth's comments on the issues raised in the objection are attached at **Annex 3**.

The Committee is asked to consider the issues raised by the objectors and the comments of the Head of Planning and Growth in accordance with the procedure set out and to determine whether or not the Tree Preservation Order should be confirmed and, if so, whether with or without modification.

Officer to contact:                      Laura Strong  
Democratic Services Officer  
01509 634734  
[laura.strong@charnwood.gov.uk](mailto:laura.strong@charnwood.gov.uk)

**Town and Country Planning Act 1990**  
**The Borough of Charnwood (14 Sanders Road Quorn) Tree Preservation**  
**Order 2023**

The Charnwood Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:

**Citation**

1. This Order may be cited as The Borough of Charnwood (14 Sanders Road Quorn) Tree Preservation Order 2023.

**Interpretation**

2. (1) In this Order “the authority” means the Charnwood Borough Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,  
  
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and

17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**


4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 16th day of February 2023

The Common Seal of the Charnwood Borough Council  
was affixed to this Order in the presence of:



2022/23-119

  
.....

**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
T1	<i>Picea pungens</i> Blue Spruce	In circular bed of paved frontage SK455942 316368.

**Trees specified by reference to an area**  
(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

**Groups of trees**  
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	None	

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
	None	



I certify this map shows the tree referred to in the first schedule of the Borough of Charnwood (14 Sanders Road Quorn) Tree Preservation Order 2023



Authorised signatory  .....



**Borough of Charnwood  
(14 Sanders Road Quorn)  
Tree Preservation Order 2023**

R Bennett Dip. TP. MRTPI  
Head of Planning & Regeneration  
Borough of Charnwood  
Southfields  
Loughborough  
Leics. LE11 2TN  
Date: 13 Jan 2023  
Scale: 1:1250  
Prep: NO'D



*2022/23 - 119*

Licence No 100023558 Reproduced from the Ordnance Survey Map with permission of the Controller of Her Majesty's Stationary Office, Crown Copyright Reserved.

**From:** Steve English  
**Sent:** 07 March 2023 12:44  
**To:** [development.control@charnwood.gov.uk](mailto:development.control@charnwood.gov.uk)  
**Cc:** Emma English  
**Subject:** Re: Decision Notice -P-23-0029-2

To Whom Its May Concern

We write to appeal against the decision outlined in the below communication, as made by The Council on 16 February 2023.

Our appeal is on the grounds of:

- > The Council appear to have made their decision on a single dimensional basis i.e. ONLY the appearance of the tree and without any regard for the other matters outlined in our application or the below, or for any one else's views;
- > "beauty is in the eye of the beholder" and whilst the appearance of the tree in the view of the Council contributes to the area, there are many others who have commented to us (including neighbours who inhabit the location) that the tree is far less appealing and too large for the vicinity than the Council believe;
- > the tree was planted in 1996, many years after the TPO upon which the Council wish to rely was granted. It seems unfair that the tree is protected by a piece of protective legislation that was never intended for this particular tree;
- > the tree has significantly grown over the 10 years we have lived here and will continue to do so. The tree dominates the front garden, preventing us (including our young children) from using the garden for leisure and sporting activities;
- > the tree has/is growing into the other surrounding trees in our garden, reducing our/everyone's enjoyment of them. As the tree continues to grow, the garden will become overgrown and untidy. Surely this isn't in anyone's interests, and will arguably only detract from its visual contribution to the surrounding area?
- > the tree has grown to such an extent that its roots are damaging surrounding walls. As the tree continues to grow, how long will it be until the damage it is causing spreads, to surrounding drives and walls.
- > there appears to be little/no consideration for our replacement plans for the tree i.e. the replacement of a smaller, more athletically pleasing tree which allows us to use the garden for what a garden is intended, to reduce the incidence of root damage and to preserve a habitat for wildlife to continue to enjoy;
- > the Council's decision contradicts the decision of it's Planning and Regeneration Department, who don't appear to have an issue with our plans;
- > with all due respect to The Council, there appears to be little consistency in its decision making on the matter of protecting trees and TPO's. Where was The Council's regard for 'visual contribution and appearance" to the locality when they granted the authority to destroy two trees facing my property five years ago, and allow the development in their place of a inappropriately large dwelling which is completely out of character with and intimidatingly dominates the rest of the street? Where was the regard or concern for visual appearance and wildlife when it granted the destruction of trees and habitat to make way for the development of Flanders Close or The Old Glebe. Where was its regard when it permitted the destruction of trees and habitat at the back of Warwick Avenue a few years ago, or land on Buddon Lane/Wyvernhoie Drive, again to allow property development in its place. It would appear that the Council are happy to allow trees to be felled in favour of large scale property development, rather than, in our case, the replacement of a single tree and for the

preservation of habitat and an aesthetically pleasing front garden for all to enjoy with a space to encourage play and leisure for our young children.

In light of the above, I urge The Council to reconsider, and you have our full commitment to and assurances that any plans we have for our front garden will only improve its contribution to the surrounding area, which we of course respect, and is in the upmost of our minds when planning this change.

Kind regards  
Steve and Emma English

## REPORT OF THE HEAD OF PLANNING AND GROWTH

### APPEALS AND REVIEW COMMITTEE 12 June 2023

#### BOROUGH OF CHARNWOOD (14 Sanders Road, Quorn) TREE PRESERVATION ORDER 2023 - PROVISIONAL

#### 1.0 Introduction

#### 1.1 Background

A S211 Notice P/23/0029/2 was received on 9 January 2023 to remove a tree described as a 'fir' tree. The tree roots have exerted lateral thrust and cracked the rather small constraining raised edging around its base. The owner wishes to replace the tree with of smaller ultimate stature. The owner states the tree creates a sense of claustrophobia and feels it already over dominates his paved front garden.

The tree is a juvenile blue spruce *Picea Pungens* in good physiological condition. A TEMPO assessment was carried out resulting a score of 20, indicating that a TPO should be considered.

Consultations with the Chair of Plans Committee and Ward Councillors have been carried out in accordance with the scheme of delegation, and no objections to serving the TPO were received.

To ensure the tree, which make a significant contribution to the visual amenity of the area and the forecourt of the house, is properly protected, and retained in a satisfactory manner, a provisional Tree Preservation Order has been served

This will allow any proposed works to the tree to be carefully considered and refused if necessary.

#### 1.2 The Site

The site is the spacious front garden of No.14 Sanders Road. The garden is substantially paved with the house setback from the street frontage.

#### 1.3 Condition of the tree

The tree is Blue Spruce and is in good condition. It is a juvenile specimen, conical in shape and is considered to be a feature tree with high public visibility and amenity value. It is relatively unusual and an interesting feature which merits retention.

#### 2.0 The Objections to the Order

An objection was received from the owners of No.14 Sanders Road. The following points were raised:

1. The Council appear to have made their decision on only the appearance of the tree
2. That the tree is less appealing and too large for the vicinity, a view that is supported by neighbours

3. That the tree was planted in 1996, many years after the TPO upon which the Council wish to rely was granted. It seems unfair that the tree is protected by a piece of protective legislation that was never intended for this particular tree.

4. That the tree has significantly grown over the 10 years we have lived here and will continue to do so. The tree dominates the front garden, preventing us (including our young children) from using the garden for leisure and sporting activities.

5 That the tree has/is growing into the other surrounding trees in our garden, reducing our/everyone's enjoyment of them. As the tree continues to grow, the garden will become overgrown and untidy. Surely this isn't in anyone's interests, and will arguably only detract from its visual contribution to the surrounding area?

6. That the tree has grown to such an extent that its roots are damaging surrounding walls. As the tree continues to grow, how long will it be until the damage it is causing spreads, to surrounding drives and walls.

7. That there appears to be little/no consideration for our replacement plans for the tree i.e. the replacement of a smaller, more athletically pleasing tree which allows us to use the garden for what a garden is intended, to reduce the incidence of root damage and to preserve a habitat for wildlife to continue to enjoy.

8. That the Council's decision contradicts the decision of it's Planning and Regeneration Department, who don't appear to have an issue with our plans.

9. With all due respect to The Council, there appears to be little consistency in its decision making on the matter of protecting trees and TPO's. Where was The Council's regard for 'visual contribution and appearance" to the locality when they granted the authority to destroy two trees facing my property five years ago, and allow the development in their place of a inappropriately large dwelling which is completely out of character with and intimidatingly dominates the rest of the street? Where was the regard or concern for visual appearance and wildlife when it granted the destruction of trees and habitat to make way for the development of Flanders Close or The Old Glebe. Where was its regard when it permitted the destruction of trees and habitat at the back of Warwick Avenue a few years ago, or land on Buddon Lane/Wyvernhoe Drive, again to allow property development in its place. It would appear that the Council are happy to allow trees to be felled in favour of large scale property development, rather than, in our case, the replacement of a single tree and for the

preservation of habitat and an aesthetically pleasing front garden for all to enjoy with a space to encourage play and leisure for our young children.

No other representations have been made in relation to the Order.

### 3.0 Response to the Objections

1. Upon receipt of a 211 Notice to undertake works to a tree in a conservation area the Council are required to consider if the tree subject to the Notice should be protected by a provisional tree preservation order. The primary reason for serving the Order is the amenity value of the tree, although the condition, form and biodiversity value are also considerations.
2. The Council uses the nationally recognised Tree Evaluation Method for Preservation Orders (TEMPO) which helps identify the amenity and significance of the tree. Using this method, the tree has been identified as having high amenity value.
3. There appears to be some confusion. Many of the surrounding trees are covered by the Tree Preservation Order (LAND AT LOUGHBOROUGH ROAD, HIGH STREET, POULTENEY DRIVE & SPINNEY DRIVE, QUORN), served by the Council in 1988. The tree subject to this review is protected by provisional Tree Preservation Order (14 Sanders Road, Quorn) served by the Council on 16th February 2023.
4. The serving of a Tree Preservation Order allows the Council to carefully consider future maintenance of the tree through a consent process. This enables a balance is to be made between protecting the amenity value of the tree with the desires of the owners.
5. It is evident from the photographs contained in this report that the tree has adequate space to grow without impacting on other surrounding trees.
6. The serving of a Tree Preservation Order allows the Council to carefully consider future maintenance of the tree through a consent process. This enables a balance is to be made between protecting the amenity value of the tree with the desires of the owners.
7. Without the tree being subject to a Tree Preservation Order the Council would be unable to ensure a replacement tree is planted and maintained in the future.
8. Without further evidence I am unable to comment on this objection.
9. There are a number of matters raised under this point which will need to be responded to separately, but they are not matters for consideration as part of this review.

#### 4.0 Conclusion

Removing the Order by failing to confirm it at this appeal and review committee would mean the tree would be felled.

The committee is therefore recommended to confirm the Order without modification.

Contact Officer:

Mark Fennell

Team Leader Natural & Built Environment

Tel: 01509 634748

[trees@charnwood.gov.uk](mailto:trees@charnwood.gov.uk)

APPENDICES.

APPENDIX A

