

rec'd - 2/1/19.

ANNEX 2

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FAO: Nadia Ansari  
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**Objection to Tree Preservation Order, Ref: Borough of  
Charnwood (The Old Chapel, 9 Wysall Lane, Wymeswold)  
Tree Preservation Order 2018**

Dear Ms Ansari,

I wish to lodge a formal objection to the above Tree Preservation Order served on my property on 19 December 2018.

**Introduction**

I lodged a request on 03 October 2018 (ref: PP-07325195v1) to undertake tree felling of three specific trees within the boundaries of my property.

I should stress at this point that I have acted in good faith throughout this process, seeking a formal position from the local authority on what I believe to be a pragmatic and legitimate rationale for the work in question; my understanding of the law being that, regardless of the existence of TPOs, trees in conservation areas may not be significantly lopped, topped or felled unless approved by the local authority. I received a rather terse response on 22 October 2018 that implied that the local authority perceived my request to represent an imminent threat of illegitimate tree removal, implicitly contrary to my application.

## Nature of the objection

Firstly, I refute a basic assumption made by the local authority for the trees in question; that they provide amenity value. Paragraph 007, Reference ID: 36-007-20140306, of the Gov.UK website (<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>) states that:

*'Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public'*

My contention is that the word 'significant' is the crucial adjective in this sentence and that none of the trees, if removed, would constitute a 'significant negative impact'.

The subsequent paragraph of the website then explains that:

*'Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:*

- *size and form;*
- *future potential as an amenity;*
- *rarity, cultural or historic value;*
- *contribution to, and relationship with, the landscape; and*
- *contribution to the character or appearance of a conservation area.'*

I would contend that of these, only two criteria hold any relevance in this particular case: future potential as an amenity and contribution to the character or appearance of a conservation area.

### Future potential as an amenity

Only one of the three trees covered by the TPO could justifiably meet this criterion; the juvenile horse chestnut (T3). It could, if left for decades, and if being cured of Leaf-Miner infestation, become a sizeable specimen. However, given the current and foreseeable lack of a cure for the leaf-miner condition, it is improbable that the tree will look anything other than unsightly between the months of June and August (when the leaves prematurely drop).

### Contribution to the character or appearance of a conservation area

I've already inferred that the horse chestnut (T3), by virtue of its leaf-miner condition, is not a net-contributor to the character or appearance of the conservation area. But I would also contend that its diminutive current size means it cannot be considered to fulfil this criterion.

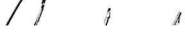
The Ash tree (T1) is the largest of the three trees. My contention with this tree is that whilst it is of considerable size, its uneven foliage when in leaf (brought about by several years of fungal attack) adds little or no aesthetic appeal to the area. Indeed, the one defining characteristic of this tree is that it has spent the last few years increasingly shedding its branches throughout the year as dead wood no longer supports its own weight.

The last of the three trees is a mature Hawthorn Tree. This has been incorrectly referred to as a Holly Tree (T2) by the TPO. I would myself freely admit that this is a healthy specimen. However, its size and location does not merit its categorisation as an important contributor to the appearance of the conservation area.

A more general point I would proffer is that any evaluation of this criterion through a site visit will have failed to appreciate the significance of the problematic canopies on either the Horse Chestnut (T3) or the Ash (T1) by virtue of the time of year in which the application was made.

As a parting point, I would also like to re-iterate that I am not averse to trees on my property and I am happy to plant alternative specimens to the trees in question in other locations in my garden with a view to them becoming a contributor to local amenity. I will happily consult with the local authority on this point.

Yours sincerely,



/Paul Seller