

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

28th March 2024

TITLE:	To consider confirmation of Tree Preservation Order No. SM.330 – Westwood Hall Farm and parts of Westwood College, Leek
PORTFOLIO:	Deputy Leader, Regeneration & Planning
OFFICER:	Steve Massey, Arboricultural Officer
WARD:	Leek West

Appendices Attached –

Appendix A: Copy of current provisional TPO No. SM.330.

Appendix B: Proposed amended TPO plan – map 1 northern.

Appendix C: Proposed amended TPO plan – map 2 southern.

Appendix D: Proposed amended TPO Schedule.

Appendix E: Proposed amended plan – map 1 northern – showing existing provisional designations on air photo base.

Appendix F: Proposed amended plan – map 2 southern – showing existing provisional designations on air photo base.

1. Recommendation

- 1.1 That notwithstanding the objections received, Tree Preservation Order (TPO) No. SM.330 be confirmed, with modifications as summarised in Section 2.4 of this report and shown on the proposed amended plans attached at Appendices B & C, and proposed amended Schedule attached at Appendix D.

Reason for recommendation: In order to maintain legal protection over significant trees, but reflect more refined Woodland designation boundaries and replace indiscriminate Area designations with specifically identified Groups and Individual Trees.

2. Executive Summary

- 2.1 Under the Council's Constitution, there are officer delegated powers to confirm a provisional TPO in respect of which no objections have been received. However, where objections are received, Planning Applications Committee must consider and decide whether to confirm the Order, and in doing so must take into account such objections and representations as have been received.

- 2.2 TPO No. SM.330 was made as a provisional Order on 18th October 2023 protecting 9 Areas of trees and 11 Woodlands, mainly across Westwood Hall Farm but also including some adjacent land at Westwood College. A copy of the provisional TPO is attached at Appendix A to this report. Note that due to the widespread geographical extent of this Order, the TPO map comprises two overlapping plans – northern and southern.
- 2.3 If and when a TPO is confirmed, there is an opportunity to modify the Order – for instance to refine its accuracy or to identify the trees more specifically than may initially have been possible. This can be useful where, as was the case for TPO SM.330, the provisional TPO has been drawn up without the benefit of an on-site survey.
- 2.4 From the outset, it was anticipated that, if confirmed, TPO SM.330 would need to be modified. The modifications now proposed comprise amendments to more appropriately define the boundaries of Woodlands, and to replace Areas with specific Groups and/or Individual Trees. The proposed modifications are summarised in the following table, and indicated on the proposed amended plans attached at Appendices B & C and proposed amended schedule attached at Appendix C:

Existing designation in provisional TPO	Proposed modification if TPO is confirmed
A1	Replace A1 with Groups G2 & G3, and Individual Trees T14, T15 & T16
A2	Replace A2 with Individual Trees T1 to T11 inclusive
A3	Replace A3 with Individual Tree T12
A4	Replace A4 with Individual Trees T20 to T24 inclusive
A5	Replace A5 with Groups G5 & G6, and Individual Trees T25, T26 & T28
A6	Replace A6 with Groups G7, G8 & G9
A7	Replace A7 with Groups G10 & G11, and Individual Tree T29
A8	Replace A8 with Groups G14 & G15
A9	Replace A9 with Group G13
W1	Largely retain W1, but with some boundary refinement and divided into two sub-compartments W1a & W1b, and replace the western-most end of W1 with Group G1
W2	Retain W2 as existing
W3	Retain the primary woodland elements of W3 as sub-compartments W3a, W3b & W3c, together with Individual Tree T13
W4	Retain the primary woodland elements of W4 as sub-compartments W4a & W4b
W5	Retain the primary woodland elements of W5 with boundary refinements and divided into sub-compartments W5a & W5b, together with Individual Trees T17, T18 & T19
W6	Retain W6 with minor boundary refinement
W7	Largely omit W7 but with retention of Group G4
W8	Omit W8
W9	Largely retain W9, but with some boundary refinement and divided into two sub-compartments W9a & W9b
W10	Largely retain W10, but with some boundary refinement and divided into two sub-compartments W10a & W10b, together with Group G12 and Individual Tree T27
W11	Largely retain W11, but with some boundary refinement

- 2.5 Objection to the TPO was initially received from the owner of Westwood Hall Farm, on grounds relating to restoration of previously unmaintained farmland with associated issues of access and reinstating obstructed ditches. Subsequent discussion and site meeting with the owner's appointed arboricultural consultant and with the owner himself, have now established that the owner has no objection to the TPO being confirmed in the modified form now proposed.

- 2.6 Objection to the TPO has also been received from the owners of Harracles Hall, Dunwood Lane, Rudyard in respect of existing Woodlands W1 and W7, and Area A1, which lie directly across the River Churnet from part of their own farmland. Their grounds of objection relate to concerns over perceived difficulties of access along the river banks for land management, potential for trees to fall into the river and cause flooding, and associated river bank erosion. The owners of Harracles Hall have been sent the proposed modification amendments, but at the time of writing this report have submitted no further comments and their objection therefore still stands.
- 2.7 Representations of support for the TPO and for its confirmation have been received from local residents of The Orchard, Westwood Park Drive, and of 36 Westwood Park Drive.
- 2.8 The objections are discussed in detail at Section 5 of this report. In conclusion, however, whilst the specific issues of the objections are anyway partly addressed by the proposed modifications, it is considered that notwithstanding any remaining objection it is important and appropriate that TPO No. SM.330 be confirmed, with modifications as proposed, in support of the Council's adopted Tree Strategy.

3 Background

- 3.1 The TPO was made following increasing concerns expressed by members of the public and various District Councillors over the removal of trees, scrub and hedges at Westwood Hall Farm since the property changed ownership in 2021. In some cases, near the west and south of the existing farm yard and buildings, the vegetation removal has preceded the submission of several planning applications for new agricultural buildings, and there has also been some tree removal in close association with the actual erection of further buildings which are the subject of an on-going planning enforcement complaint. Further afield, trees and scrub have been removed as part of on-going agricultural management to reverse long-term neglect.
- 3.2 Westwood Hall Farm, together with the grounds of Westwood College, occupy an extensive tract of land arcing around the western side of the urban area of Leek between the town and the River Churnet. Historically this was part of the Westwood Hall estate, with other parts now lost to progressive residential development in the Westwood and Wallbridge areas and the establishment of Westwood Golf Course.
- 3.3 The farm forms the steeply sloping eastern side of the Churnet Valley, with the farm buildings and college grounds occupying the adjacent plateau above. At the northern end towards the Leek-Rushton Greenway ("Rudyard Track") there is a series of intricate narrow gullies. This hilly landform gives even greater prominence to large tracts of woodland, together with Individual Trees and Groups seen against the skyline or defining the course of the river.
- 3.4 There is no recorded statutory public access across the farmland, but publicly accessible linear viewpoints along the Greenway, and along the

public footpath following the canal feeder channel between Rudyard and Ladderedge provide wide, mid-range views of the heavily wooded landscape interspersed with irregular fields. The adjacent grounds of the college are also open for public access outside school hours.

- 3.5 The specific woodland named West Wood lies directly west of the farm buildings, and is included in the TPO as W9. The main core of W9 is registered as Ancient Semi-natural Woodland, by definition continuously wooded since at least the year 1600 and recognised in planning terms as an irreplaceable natural habitat with strong national and local policy protection.
- 3.6 Whilst the land management and development issues triggering the making of the TPO are specific to the farm, Areas A8 and A9, and Woodland W6, although in the ownership of Westwood College, contain trees overhanging the farm and/or are understood to have legal access rights for the benefit of the farm. A8, A9 and W6 were therefore also included in the TPO as a precautionary measure.
- 3.7 In the initial TPO amenity assessment the various Woodlands and Areas all scored between 24 and 42 points out of a possible 50, and were accordingly included in the provisional Order. In the Council's assessment system, a score of 25 points or more is our guidance threshold for definite protection, with 20 – 24 points being enough for consideration and a score of less than 20 normally signalling insufficient amenity value for TPO protection.
- 3.8 Reflecting both the landscape-wide scale and geographical extent of the TPO, and the tactical avoidance of initial on-site survey, the provisional Order was deliberately drawn up on an all-inclusive broad brush basis. Woodland boundaries were drawn well out from original land parcel boundaries to include peripheral vegetation which, from air photos at least, appeared to have potential for visual significance in the landscape. Extensive Area designations were similarly drawn widely, in attempt to include all significant trees. A provisional TPO legally cannot be modified on confirmation to protect additional trees which were not originally included.
- 3.9 However, the original report and delegated authorisation to make the TPO acknowledged from the outset the anticipated need to subsequently review these designations. Furthermore, Government guidance to local planning authorities advises that indiscriminate Area designations should generally not be retained in preservation orders in the long term, but that opportunity should be taken to review these and where considered appropriate replace them with specifically identified Individual Trees and/or Groups. The review of the initially protected Woodlands and Areas of the provisional TPO SM.330 has been informed by subsequent detailed site survey work, and discussion with the owner of Westwood Hall Farm about the issues giving rise to his initial objection to the Order.

4. Implications

- 4.1 Community Safety - (Crime and Disorder Act 1998) Nil.
- 4.2 Employees Nil.
- 4.3 Equalities This report has been prepared in accordance with the Council's Equal Opportunities policy.
- 4.4 Financial There is no financial liability on this Council arising from making and confirming, or not confirming, a TPO – with or without modification. However, following any subsequent application for consent, anyone suffering loss or damage arising as a consequence of the Council's decision to refuse consent, or to impose conditions when granting consent, may seek compensation from the Council, subject to the provisions of the Town and Country Planning (Trees) (England) Regulations 2012. Any claim must be submitted within 12 months of such an application or subsequent appeal being determined.
- 4.5 Legal Nil.
- 4.6 Sustainability Confirmation of the TPO would appropriately maintain protection over trees of significant local amenity value, in support of local and national environmental protection objectives and the Council's adopted Tree Strategy.

Ben Haywood
Head of Development Services

Background Papers

TPO SM.330 file

Location

By request at:
Staffordshire Moorlands District Council
Moorlands House
Leek

Contact

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5. Detail and Discussion – Objections

Issues raised by the objectors to the TPO are set out below, *with officers' comments following in italics.*

5.1 Initial objection from the owner of Westwood Hall Farm:

- 5.1.1 The farm had been long-neglected by the previous owner. Many areas of the fields have become overgrown by encroaching scrub including Thorn, Gorse and Brambles, in particular growing out from the boundaries of the more established woodland blocks. This results in a loss of grazing land, which he intends to reclaim.
- 5.1.2 Encroaching scrub and expanding woodland edges also precludes access to fences for repair/replacement, and makes access to blocked and silted-up ditches difficult for maintenance.
- 5.1.3 The indiscriminate Area designations similarly include scattered scrubby trees, and some of the protected Woodlands along the River Churnet (W7 and W8) are mainly comprised of overgrown and collapsing scrubby Willow which extends significantly across the fields with consequent loss of grazing land.
- 5.1.4 The owner had no objection to the majority of the TPO, but requested that boundaries of Woodlands and the extent of Areas be reviewed to address these issues.

5.2 Objection from neighbours at Harracles Hall:

- 5.2.1 Strongly object to the inclusion of W1, W7 and A1 along the eastern bank of the River Churnet.
- 5.2.2 Their own farmland on the western bank is actively managed for grazing and forage conservation. However, under previous ownership the land opposite at Westwood Hall Farm has been grazed very infrequently for many years, leading to long-term issues of neglect and vandalism. This has encouraged the establishment of invasive weed species such as Ragwort and Japanese Knotweed which can spread to neighbouring land and can be seriously harmful to livestock. Trees growing along the river bank make it difficult to control these weeds, and should therefore not be protected in order to avoid any restriction on tree removal.
- 5.2.3 The presence of trees along the river leads to fallen trees, branches and other debris obstructing and redirecting the flow, causing erosion of the opposite bank with consequential damage to Harracles Hall property and livelihood. The Environment Agency has previously stated that river banks along this stretch of the Churnet should be unrestricted so as not to cause unnecessary flood risk.

Officer comment and analysis:

- 5.3 *It is readily evident and acknowledged that under previous ownership, Westwood Hall Farm has, in agricultural terms, suffered from long-term neglect. It is considered entirely reasonable that the new owner would wish to return the land to effective and productive agricultural use. The key is to find an appropriate balance between these objectives and protecting the appearance, character and amenity of the landscape.*
- 5.4 *In quite a few locations, on-going natural regeneration of scrub and trees around the edges of mature woodlands is now so well established and dense that it effectively results in more extensive woodlands, with the recent peripheral growth now forming significant woodland cover in its own right and being deemed worthy of continued TPO protection.*
- 5.5 *In other locations, although extending across large areas of field, recent scrub growth is still intermittent and gappy, mainly comprising small scrubby Thorn and young saplings which on a landscape-wide scale and from the relatively distant and partly filtered publicly accessible viewpoints holds relatively little public visual amenity. In this context, such scattered scrub and saplings do not readily meet normal visual amenity criteria for TPO protection, and it would therefore be inappropriate to prevent or unnecessarily constrain reasonable agricultural management by maintaining TPO protection over vegetation of this character where it may already have been included in the provisional Order.*
- 5.6 *While it is difficult to define hard and fast criteria, the detailed on-site survey has identified a number of locations where the currently drawn provisional TPO Woodland boundaries should be refined. In some cases this is to exclude loose scattered scrub and small trees of little significance, or alternatively to continue to protect more dense established scrub woodland. Examples of this are proposed modifications to Woodlands W3, W4 and W5.*
- 5.7 *In other cases, it has proved possible, and appropriate in landscape/amenity terms, to re-draw Woodland boundaries to align with existing physical boundaries and mapped land parcel demarcations. Where mature tree canopies overhang fields, the whole tree, canopy included, is protected as long as the stem base grows from a position within the TPO-defined Woodland boundaries and hence it is appropriate in such circumstances to re-draw the boundary to an existing fenceline or ditch. Examples are proposed modifications to W10 and the north-east edge of W11.*
- 5.8 *Of particular note is a ditch running parallel to the Churnet for the majority of the site. Many stretches of this ditch have become overgrown and silted up, fields either side permanently waterlogged and in poor condition for grazing. Machinery access is required to reinstate to effective operational condition. Where obstructing vegetation comprises only scrubby Willow or immature Alder it is considered appropriate to refine Woodland boundary lines to remove TPO protection and allow this issue to be dealt with, to either one or both sides of the ditch line. Examples of this are the western side of W9 (outside the Ancient Woodland denotation) and the south-western edge of W11.*

- 5.9 *Areas A2 and A3 contain a number of notable mature trees, but otherwise only scattered scrub and saplings which do not merit TPO protection in their own right. These are examples where, in accordance with Government guidance, replacement of current Area designations with specified Individual Trees is proposed.*
- 5.10 *Notwithstanding this general approach of refinement of some detail, it appears that there has indeed been premature and unjustified removal of some older/larger trees around the farmyard area in particular, and confirmation of the TPO in general terms (with modifications as proposed) would provide appropriate on-going legal protection.*
- 5.11 *It is noted that the older woodlands themselves are also in places suffering from neglect, spoil and rubbish tipping, and encroachment by non-native invasive species. In accordance with Government guidance, TPOs should not be used to prevent or obstruct beneficial woodland management. However, any future woodland management work should, where applicable, still be subject to TPO application and consent procedures and should be supported by suitable management plans and objectives.*
- 5.12 *Rivers are often characteristically lined by trees, whether continuously or intermittently, and, as in this case at Westwood Hall Farm, they can provide an important feature in the landscape. In addition, rivers are continuously subject to natural processes which over time lead to gradually realigned channels, bank erosion and deposition. Whilst the objection from Harracles Hall is acknowledged, it is noted that the current approach of the Environment Agency and watercourse management authorities is often to establish or encourage more natural management of rivers and riparian land in order to allow these natural processes to continue. In addition to landscape and biodiversity benefits, naturally arising or even deliberately created partial obstacles can help to slow the rate of flow and reduce flooding problems downstream, whilst retention of some riverbank vegetation including trees helps with bank stabilisation. It is noted that intermittent tree and scrub vegetation exists in places on the west bank of the Churnet on land in the ownership of Harracles Hall.*
- 5.13 *That said, the proposed modifications to TPO SM.330 would replace the virtually continuous designations of W1, A1 and W7 in the provisional TPO opposite Harracles Hall's fields with a few intermittent Individual Trees and Groups. This would allow significant opportunity for direct access to the eastern river bank without conflict with TPO designations.*
- 5.14 *The general approach of the proposed modifications along the river is to maintain protection over genuinely significant Individual Trees and Groups, mainly of mature Alder which are a very characteristic waterside tree, together with some younger Oaks which have excellent potential as future substantial and long-term landscape features.*
- 5.15 *On detailed inspection, existing Woodlands W7 and W8 have been found to comprise virtually only low-growing scrub Willows in very poor condition, mostly already collapsing with little or no remaining useful lifespan, and individually and collectively of much lower amenity value than initially suspected from off-site assessment. Updating the TPO amenity*

assessment for W7 and W8 accordingly results in scores of only 17 points from 50 – clearly below the normal threshold of suitability for protection. Both these scrubby Woodlands are proposed to be omitted from the modified Order, if confirmed, except for a small Group of Alder, Ash and Oak denoted G4 at the southern end of W7.