

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Planning Applications Committee**

**20<sup>th</sup> June 2024**

<b>TITLE:</b>	<b>TPO/2024/0005 - Application to fell a protected tree – 1 Bank End, Brown Edge</b>
<b>PORTFOLIO:</b>	<b>Deputy Leader, Regeneration &amp; Planning</b>
<b>OFFICER:</b>	<b>Steve Massey, Arboricultural Officer</b>
<b>WARD:</b>	<b>Brown Edge and Endon</b>

**Appendices Attached –**

**Appendix A:** Location Plan for 1 Bank End, Brown Edge.

**Appendix B:** Tree position plan for application tree, T117 Sycamore

**1. Recommendation**

1.1 That consent to fell a Sycamore tree at 1 Bank End, Brown Edge, protected as T117 under Tree Preservation Order (TPO) No. SM.4, be REFUSED for the following reasons:

1.1.1 The Sycamore T117 is a large tree which is readily and prominently visible from the adjacent public highway, from where it is seen as a notable individual feature positively contributing to the character and setting of the area, and it is considered to have significant public amenity value which would be completely lost if the tree were removed.

1.1.2 The reasons for the application mainly relate to issues such as shade, fallen leaves and minor debris, pollen etc which are simply the inevitable natural seasonal processes of a deciduous tree.

1.1.3 Although concern about potential failure of the tree was mentioned in the reasons for the application, this was in a very general context and no supporting information such as a tree surgeon's report was submitted in support of this reason. But in any event, the tree appears to be in good physiological and structural condition, and there is no reason to consider that failure of the tree, in whole or substantial part, is particularly likely. The cited failure of other trees elsewhere in another village does not make failure of the Sycamore T117 any more likely.

1.1.4 The protected status of the tree does not generate any need for maintenance and indeed the opposite applies whereby consent is

normally required for work and may not necessarily be granted. The costs of any tree work maintenance where proposed and authorised therefore do not justify the loss of a protected tree.

1.1.5 The production of pollen is also a normal natural seasonal characteristic rather than a condition-defect of the tree, and although the respiratory condition susceptibility of the applicants' disabled young son is acknowledged, it is noted that Sycamore pollen is only moderately allergenic and furthermore Sycamore is largely insect-pollinated and therefore does not rely on large quantities of wind-spread airborne pollen.

1.1.6 The local planning authority has an adopted Tree Strategy which contains policies and guidance which would normally resist the loss of protected trees without sufficient justification. Felling a protected tree in order to deal with the general nuisance experienced as a result of normal seasonal minor debris is not considered to be sufficient justification. The reasons put forward in the application are not considered to amount to sufficient justification to outweigh the loss of amenity which would result from the removal of T117. The application is therefore considered to be in conflict with the Council's Tree Strategy.

## **2. Executive Summary**

2.1 Various reasons for the proposed felling are given in the application. These mainly relate to normal natural seasonal characteristics of a deciduous tree, rather than to any condition or structural defect, although in some cases these are then related to the health of the applicants' child. The reasons for the application are set out in more detail and assessed in Section 4 of this report, but on balance are not considered to justify the loss of a protected tree of significant public amenity value.

## **3. Relevant History**

3.1 In 2016, an application for consent to fell the same tree submitted by the same applicants for largely similar reasons was refused by Planning Applications Committee in accordance with officer recommendation. There was no subsequent appeal against this decision.

3.2 However, there are now some subsequent changes in the applicants' personal circumstances, which they have raised as further reason for felling in relation to the current application:

3.2.1 The applicants now have a son who has a medical condition which they believe would be exacerbated by the pollen produced by the tree. Shade and falling minor debris can also be detrimental to his health.

3.2.2 Due to needing to care for their son, the applicants now only have one income, and this matter is raised in relation to the affordability of tree surgery works for on-going maintenance.

- 3.3 The previous conservatory on the western end of the dwelling, closest to the tree, has since been replaced by a two storey extension on a very slightly larger footprint. The proximity to and potential impact on the tree was taken into account when determining the planning application for the two storey extension, and was considered to be acceptable against the baseline of the then-existing relationship.

#### 4. Assessment of Application

<b>Reasons for the application</b>	Tree too big for garden; shade; falling minor debris; fallen leaves are slip hazard on garden paths and adjacent pavement; excessive seedlings; concern the tree may fall (exposed to south-west wind, other trees fallen elsewhere); too expensive to maintain; young child is disabled and susceptible to respiratory conditions which can be exacerbated by pollen.	
<b>Assessment</b>	<b>Y/N?</b>	<b>Comment</b>
Has sufficient information been provided to assess the application?	Yes	(No professional report re: potential for tree failure, but this appears to be more a general concern in support of listing as many reasons as possible, rather than a genuine and specific fear that failure of T117 is particularly likely due to its condition.
Are the works proposed due to the trees' condition?	No	
If so what supporting information has been provided?	N/A	
Are the works required due to alleged damage to property ?	No	
If so is a supporting report provided ?	N/A	
Are any of the proposed works 'exempt'?	No	
General location of the application tree:	-	SW corner of private property garden, also overhanging neighbouring garden, and adjacent to and overhanging the public highway.
Characteristics of the application tree:	-	Large mature Sycamore; open-grown relatively wide spreading crown, well balanced; main crown c.5 – 6m above tree base, c.4 – 5m above highway carriageway. Significant recent epicormic growth to lower stem & base.
Physiological health/ condition of the application tree:	-	Appears good. No evidence of disease/decline noted, no dead wood noted.
Structural integrity of the application tree:	-	Appears good. No defects noted.
Assessment of amenity value of the application tree:	-	Large tree in prominent, publicly visible location. Significant amenity value.
Impact of proposed works on the amenity of the application tree/its contribution to the area:	-	Total loss.

Do the proposed works accord with good arboricultural management?	No	The reasons given for the application largely relate to normal natural seasonal processes of a deciduous tree, and to general concerns over tree safety rather than specific condition-related issues. Good arboricultural management would not support felling a significant, protected tree for reasons relating to seasonal nuisance or unsubstantiated safety concerns.
<p>Comment on other reasons:</p> <p>Tree is too big for the location:</p> <p>Tree maintenance is prohibitively expensive, especially on a single salary:</p> <p>Applicants' young son is disabled and susceptible to respiratory conditions; shade and falling minor debris is detrimental to his health and well being. Removal of the tree would contribute to his quality of life:</p>	-	<p>It is acknowledged that the tree is large, and dominates the relatively small garden; however, the garden has been made smaller by older and recent replacement extensions to the dwelling, and the larger a tree generally the greater its amenity value.</p> <p>The TPO does not require work to be carried out to the tree. Basal and stem epicormic shoots may be removed if/as required (it is considered that this need not require an application and grant of consent) and normally could be readily undertaken without requiring the services of a tree surgeon. The fact that the tree is protected therefore does not generate a need for frequent or costly maintenance.</p> <p>Whilst this is acknowledged, the issues with regard to the tree itself again relate to a normal seasonal characteristics rather than defective or abnormal condition of the tree. Sycamore pollen is only moderately allergenic, and Sycamore is mainly insect-pollinated and does not rely on large quantities of wind-spread airborne pollen.</p>

## 5. Consideration of Application in Relation to SMDC Tree Strategy Policies

<b>Tree Strategy Policy No</b>	<b>Assessment</b>	<b>Y/N?</b>	<b>Comment</b>
2.2.2	Is the proposed tree work adequately justified?	No	Reasons for application in terms of actual issues experienced are all inevitable natural seasonal consequences of the presence of a large deciduous tree.
2.2.4	Is the application tree an ancient or veteran tree?	No	

2.2.6	Does this TPO application appear to be pre-empting a development proposal/planning application, by seeking to remove a tree which may pose constraints to intended development?	No	
2.3.5	Is the application tree a risk to neighbouring properties or public land or the highway?	No	No current significant risk due to tree condition – Quantified Tree Risk Assessment risk of harm ranges 1/300,000 to <1/1,000,000 depending on value of repairs for hypothetical property damage.

## 6. Implications

- 6.1 Community Safety - (Crime and Disorder Act 1998) Nil.
- 6.2 Employees Nil.
- 6.3 Equalities This report has been prepared in accordance with the Council's Equal Opportunities policy.
- 6.4 Financial 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; any claim must be submitted within 12 months of the application or any subsequent appeal being determined, and be in accordance with the provisions of Part 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 6.5 Legal Nil.
- 6.6 Sustainability Refusal of consent to fell the Sycamore T117 would ensure the retention of a tree having significant public amenity value, and contributing to the landscape character of the area, in accordance with the Council's environmental protection objectives.

Ben Haywood  
**Head of Development Services**

**Background Papers**

TPO No. SM.4

Application  
TPO/2024/0005

**Location**

On request

**Contact Details**

Steve Massey,  
[steve.massey@staffs Moorlands.gov.uk](mailto:steve.massey@staffs Moorlands.gov.uk)  
Tel: (01538) 395788