

## TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO 200 Huntley Court

The Forest of Dean District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

### 1. Citation

This Order may be cited as The Tree Preservation Order DFTPO 200, Huntley Court

### Interpretation

- 1.1. In this Order “the authority” means the Forest of Dean District Council.
- 1.2. 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.

### 2. Effect

- 2.1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- 2.2. 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.

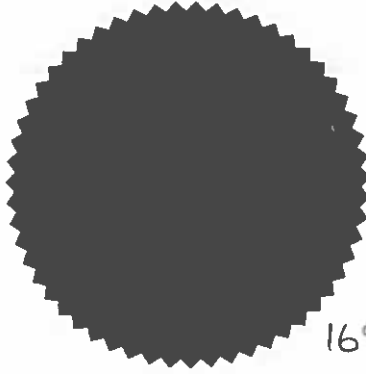
### 3. Application to trees to be planted pursuant to a condition

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 1 July 2014

The Common Seal of the FOREST OF DEAN DISTRICT COUNCIL was hereunto

Affixed in the presence of

A handwritten signature in black ink, consisting of a series of connected loops and curves.

1692.

**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 9th day of September 2014

OR

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL, subject to the modifications indicated by , on the day

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....  


Authorised by the Council to sign in that behalf

**DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by the FOREST OF DEAN DISTRICT COUNCIL on the day

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

**VARIATION OF ORDER**

This Order was varied by the FOREST OF DEAN DISTRICT COUNCIL on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

**REVOCAION OF ORDER**

This Order was revoked by the FOREST OF DEAN DISTRICT COUNCIL on the day of

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf



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**Tree Preservation Order  
DFTPO200  
Huntley Court**

Scale: 1:2500

24 June 2014



**SCHEDULE 1  
SPECIFICATION OF TREES**

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

| Reference on Map | Description  | Situation                        |
|------------------|--------------|----------------------------------|
| T1               | Cedar        | West side of Huntley Court House |
| T2               | Wellingtonia | SO719193<br>(X371957, Y219330)   |
| T3               | Wellingtonia | SO719193<br>(X371966, Y219316)   |

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

| Reference on Map | Description | Situation |
|------------------|-------------|-----------|
| -                | -           | -         |

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

| Reference on map | Description (including number of | Situation trees in the group) |
|------------------|----------------------------------|-------------------------------|
| -                | -                                | -                             |

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

| Reference on map | Description | Situation |
|------------------|-------------|-----------|
| -                | -           | -         |

# **Report for a Tree Preservation Order**

## **DFTPO200 Huntley Court**

### **Introduction**

A Tree Preservation Order is recommended for three individual trees at Huntley Court, Huntley (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

- T1 – Cedar
- T2 – Wellingtonia
- T3 - Wellingtonia

The trees are located within the grounds of Huntley Court. Currently, full planning permission is being sought for the erection of two new dwellings within the grounds of Huntley Court (application P0807/14/FUL). Trees T1-T3 are outside of the development site. Submitted plans show that proposed development would be in close proximity to tree T1, a Blue Cedar tree. Unit 2 of the application is to be sited on the extremity of the root protection area of the Cedar. While this should not affect the health of the tree, it further contributes to built form in proximity to the tree. If the current application is permitted, it is considered that trees on site will be under greater management pressures. Trees on site are not within a Conservation Area and are not currently protected by a Tree Preservation Order. If the current planning application on site is refused, there will be no protection afforded to the trees.

### **Desk Based Assessment**

The trees are located within the grounds of Huntley Court, Huntley.

The property is situated on the A40 within the settlement of Huntley. A pre-development arboricultural report was submitted for application P0807/14/FUL for the erection of two dwellings at Huntley Court. Unit 2 of the application will be in close proximity to a Blue Cedar tree, of BS5837:2012 category A2. There are two Wellingtonia trees within the grounds of Huntley Court, one of which was included in the arboricultural survey and also given a category of A2. Category A2 is given to trees that are of particular visual importance as arboricultural and/or landscape features.

The trees are clearly visible from public highways. They are also afforded views from Huntley Cricket ground.

### **Site Based Assessment**

The Wellingtonia trees are clearly visible from the A4136 when approaching the settlement of Huntley from the southwest. T1-T3 are all visible when viewing Huntley Court from the A40, B4216 and nearby properties. The trees are also visible from Huntley Cricket Ground and Grange Court Lane. The trees are considered to be of

high public amenity value with both high individual impact and visual impact in the wider context.

### **Consultation Responses**

No consultation has taken place in direct reference to the provision of a Tree Preservation Order on the trees.

A consultation response from the Conservation Advisor for application P0807/14/FUL considers the following: 'The current view of the Court from the north has a roadside boundary formed by walls and hedges which show the Court within a semi-rural landscape on the west side with mature trees - giving the feel of a modest parkland landscape glimpsed through the roadside hedge.'

### **Discussion**

**Visibility:** The trees are visible from Huntley Cricket Ground and a number of public highways, to include the A4136 and A40.

**Individual Impact:** T1-T3 are viewed as individual trees. T1 and T2 were surveyed as part of the arboricultural report submitted with application P0807/14/FUL (T21 and T18 of the report). These trees were given category A2 of BS5837:2012. As described by the tree survey, T1 and T2 are 18m and 27m in height.

**Wider Impact:** The trees are considered to be significant features when viewed from public areas. They are considered to contribute to the setting of a listed building and to the surrounding landscape.

**Expediency:** Planning application P0807/14/FUL is currently pending consideration for the erection of two new dwellings in the grounds of Huntley Court. It is considered that the development, if permitted will add pressures to the Cedar tree in particular and that trees on site of high amenity value should be safe guarded from further development and from any potential excessive management. If the application is refused, there will be no protection afforded to these trees and the Council's permission will not be required for their removal. These trees are considered to be of high public amenity value and should be protected.

A TPO is therefore considered expedient.

**Conclusion of Discussion:** The trees are of high public amenity value. Planning application P0807/14/FUL is currently being considered within the grounds of Huntley Court. A Tree Preservation Order would demonstrate that the LPA considers the trees to be of high public amenity value and should be retained and that their management should be respectful of their contribution to amenity. At present, the trees are not afforded any level of protection.

### **Alternatives to placing a Tree Preservation Order**

Do nothing. If the application is granted consent, conditions could be placed to ensure the safe guarding of the trees during construction and their retention in the short term. If refused, the trees will be afforded no protection.

**Recommendation**

That provisional Tree Preservation Order DFTPO200 Huntley Court be made.

Planning and Housing Group Manager: *[Signature]*

Agreed / ~~Disagree~~\*: ..... Date: 24/6/14





Appendix B – Photographs





From B4216



From Grange Court Lane – Huntley  
Cricket Ground in foreground



