

---

**Meeting:** Development Management Committee  
**Date:** 21 October 2009  
**Subject:** Confirmation of Tree Preservation Order No. 6/2009 (Land at Upper Tithe Farm, Hockliffe Road, Tebworth)  
**Report of:** Background to Tree Preservation Order and outline of unresolved objection from Mr M White & Mrs P Taylor of Angelus Belle, Upper Tithe Farm, Hockliffe Road, Tebworth  
**Summary:** To request that the Committee consider the unresolved objection made following the making of Tree Preservation Order No. 6/2009 and to confirm the Order without modification.

---

Contact Officer: Andy Jones X 75161

Public/Exempt:

Wards Affected: Toddington

Function of:

<b>CORPORATE IMPLICATIONS</b>
-------------------------------

None
------

<b>RECOMMENDATIONS:</b>
-------------------------

<b>that the Committee confirms the Tree Preservation Order, which was provisionally made for 6 months, and is due to expire on the 5 November 2009.</b>
---

### **Background**

- |  |
|--|
| <ol style="list-style-type: none"><li>1. The Tree Preservation Order was instigated by a call being made to the Council offices to report that the owner of the property of Angelus Belle, Hockliffe Road, Tebworth wished to fell Poplar trees situated in a prominent position on the approach to Tebworth. The neighbour had been informed by the owner of the trees that felling would occur the following day. Following protests from neighbours and the intervention of a Local Councillor, the tree owner was dissuaded by the Local Councillor not to go ahead with the felling. However, the neighbour remained concerned that the trees were an important feature in the landscape and that any future removal would disrupt the avenue effect provided by the trees.</li></ol> |
|--|

A subsequent site visit was made on the 28<sup>th</sup> April 2009 to inspect the trees, which were found to make a valuable contribution to the visual amenity and character of the area. The trees formed an avenue, clearly visible on the skyline, which ran alongside the driveway entrance of what the site of a previous working farm. 6 Hybrid black poplars were found within a grass verge under the joint ownership of four residents of Upper Tithe Farm. A further 4 Hybrid Black Poplar trees were found to be situated within the grounds of the property of Angelus Belle. The trees were clearly visible from the public highway of Hockliffe Road and the adjacent footpath FP24, which ran alongside the avenue of trees.

2. A TPO was then made on two groups of Poplar trees for the reasons that:-

- The trees are adjacent to a Conservation Area, being situated just outside the boundary; yet still make a significant contribution to the rural character of the area.
- The trees have a strong collective value, contributing as a group that forms an important avenue feature.
- The trees provide a visually important boundary that marks the south-western limit of the village with the surrounding countryside.
- The trees are prominent in long distance views from both the approach to the village along Hockliffe Road and within the village itself.
- The trees are visible from the surrounding public highway and public footpaths and make a positive contribution to the visual amenity and character of the area.

3. Following the serving of the TPO, an objection was received from Mr M White and Mrs P Taylor of Angelus Belle on the 29 May 2009. Their grounds for objections were based on the following:-

- The trees are jointly owned and the groups of trees do relate to specific owners.
- The trees in question are Hybrid Black Poplar trees, not even native, and are very fast growing.
- The trees are only about 25 years old and have already become unmanageable.
- Large, quick growing trees such as these should be planted in a plantation away from housing.
- The trees were initially planted for a windbreak and not for aesthetic purposes.
- Trees are planted on an exposed high ridge and are a danger to an adjacent public footpath.

- Trees have grown too large and now shade the garden, drawing all the moisture from the vegetable plot.
- Would like to cut down and replace 2 trees.

Would like to know if a fair points system was used when determining the merits of the TPO.

4. The Tree & Landscape Officer's reply to these points in respect of the objection were:-

- The description of the two groups of trees relates to easily identifiable positions on the ground. They are not intended to relate specifically to ownership and therefore it is not considered that this should be changed.
- The fact that the trees are non-native should not preclude a TPO to be made. Many non-native trees are the subject of TPO's and make a significant contribution to the amenity and character of an area.
- It is accepted that Poplars are quick growing trees, but it is not recognised that the trees are unmanageable or constitute a danger to the adjacent public footpath.
- It is not normal practice to allow protected trees to be felled because they extract moisture from gardens. This will set a precedent that will allow an unacceptable level of protected trees to be felled from garden areas.
- The TPO was instigated by concerns to fell certain trees in the garden, and it was recognised that the felling of 2 of the trees would disrupt the natural avenue effect and make the line of trees visually disjointed.
- The Poplar trees were assessed under TEMPO ("Tree Evaluation Method for Preservation Orders"), which is a nationally recognised system, produced by an independent arboricultural consultant, where scores are allocated towards meeting certain criteria needed required to justify a TPO. The scoring produced by the valuation method indicates that any score between 11 to 14 points merits a "*defensible TPO*" and that any score over 15 points "*Definitely merits a TPO*". Following a survey on the 28<sup>th</sup> April 2009, it was found that the Poplar trees had a score allocation of 17 Points, based on the fact that they were:-
  - In good condition
  - Had a retention span of between 20 to 40 years
  - They are large or medium trees clearly visible to the public
  - The trees are part of a group that are important for their cohesion
  - There is a perceived threat to one or more of the trees.

5. Following the response from the Tree & Landscape Officer, there was further correspondence received from the owners, who continued to refute many of the points justifying the TPO, and the objection therefore remains unresolved.