

## Agenda Item No 7

### Planning and Development Board

6 November 2023

Report of the  
Head of Development Control

**Tree Preservation Orders - Land  
North of Dunns Lane and Church  
Road, Dordon and Polesworth and  
Land South of Dunns Lane, Dordon**

#### 1 Summary

- 1.1 As Members may recall two large Tree Preservation Orders were placed on a significant number of individual, group and Woodland trees located on land situated to the north and south of Dunns Lane, Dordon, involving or adjoining most of the land area covered by the Local Plan Strategic Allocation **H4**. It came into force on 9 May 2023 and lasts six months (until 9 November 2023). This report seeks to make both of the Orders permanent, but with modifications.

#### **Recommendation to the Board**

**That the Board confirms the two Tree Preservation Orders, H4 Land to the North of Dunns Lane & Church Road, Dordon/Polesworth and H4 Land to the South of Dunns Lane, Dordon, as Modified, for the protection of the individual trees, groups and woodland identified.**

#### 2 Background

- 2.1 The report originally presented to the 6 June 2022 Planning and Development Board advising of the action to be undertaken for the issue of a Tree Preservation Order, addressing the community's wish to see as many trees as possible being retained on the strategic development site H4 area, allocated in the Local Plan, is attached at Appendix A (1). Some protection and detailed consideration of the trees affected within and adjoining the site was therefore sought through the application of appropriate Tree Preservation Orders. It is intended that this would then also help to inform the current Master Planning Framework discussions, currently underway.
- 2.2 Unfortunately, due to unavoidable circumstances and the large scale of the TPO's proposed, a delay resulted in the Notices not being issued until 9 May 2023. Nevertheless, a major notification letter drop to all properties adjoining and/or affected by the TPO's and formal letters, notices and e-mails to landowners, agents and relevant developers was undertaken, including an extension of the normal consultation notice period from 6 to 17 weeks in total. Copies of the two TPO Maps relating to the original notices are attached to this Report as part of Appendix A (2) identifying the Modifications for the Notice Maps for Members information.

### 3 Representations

3.1 Representations from landowners, agents, relevant developers owners and neighbours were invited in writing with an initial expiry date of 20 June 2023, subsequently extended to 7 September, to address concerns over the short time frame available to respond to a TPO of this size and scale and the limited information initially available.

3.2 Three main representations have been received from parties having ownership interests in the land on which the trees are situated. The representations objected to both Orders and raised the following issues and concerns;

**Barton Willmore – Stantec** on behalf of Church Commissioners and others

- Orders incorrectly made and served, not detailing tree numbers in groups clearly.
- limited time to respond to Orders.

**Savills** - on behalf of Cathedral Agricultural Partnership

- Potential impact and uncertainty on the masterplanning and delivery of H4
- object to TPO's T11-T17, T38-T57 and Group G1,
- presence of a Local Wildlife Site (LWS) designation on Hollies Wood negates need for TPO on Hollies Wood (W1),
- Express no intention to fell trees noted above and to retain trees prior to development,
- impact of tree removal required to facilitate infrastructure (roads) can be mitigated through the design and masterplanning process, a flexible approach is protection and maintenance of trees is therefore sought and application of TPO's may impact on viability and deliverability of allocation H4 if not properly managed,

**Wardell Armstrong** – on behalf of Bloor Homes Ltd and IM Land.

- 'Expediency' – lack of "risk of trees being felled, pruned or damaged". Contend there is no risk of premeditated or premature tree felling/pruning in light of no felling, pruning or damage has occurred to any trees since allocation and ownership of site. More expedient to agree development design principles and practicalities of enabling the development before applying TPO's. Does not meet Government's 'Expediency' test.
- Forestry Act 1967 already protects from felling of more than 5m<sup>3</sup> in any one calendar quarter. Note also pending introduction of BNG legislation.
- Increased cost and difficulty to deliver needed housing site. Impact on road infrastructure required by site and policy. Puts site viability at risk.
- No dispute over amenity value of many of trees but may prevent delivery of north south spine road and package of community benefits development may deliver.
- The two TPO's will require reviewing after development is approved, making TPO maps difficult to decipher. More sensible to delay timing of TPOs at an appropriate time following agreement of design of development as approved by LPA.
- Amenity – basic TEMPO's undertaken for client indicate the vast majority merit protection on amenity grounds alone. Nevertheless as expediency is not merited and Orders contain significant flaws that cannot be confirmed as legal documents.

- TEMPO Assessments – Copies not supplied and should have been included with Orders and Regulation 5 Notices – Unable to check for errors, this is reason itself not to confirm orders.
- Other Issues – Locations of trees based on maps supplied, maps' notation obscuring locations, and location descriptions in Schedules using starting points for measurement distances that are difficult to measure on the ground means TPO locations unable to be accurately ascertained. Maps do not detail at what scale and size they should be printed. Members of public will have difficulty identifying which trees are protected. The Two orders are not, therefore, fit for purpose and cannot be legally enforced.
- Drafting errors - Some of the Group designations do not indicate the number of each individual tree species as required by Part 2 Schedule 3.(1)(a) of Town and Country Planning (Tree Preservation) (England) Regulations 2012. Therefore impossible to ascertain which trees are protected. Drafting errors make TPO's open to appeal. TPO's should not be confirmed until design principles discussed and agreed, at which time a new TPO can ensure correct trees are protected following grant of planning consent.

3.3 A number of further representations in support of the two TPOs' have been received from local residents and parties including the Parish Council who support the confirmation of the order but wish to see it extended to include the protection of additional trees. The regulations do not allow for additional trees to be added to a TPO when issued, only variations and modifications involving amendments and/or corrections to the Notices or removal of some of the Trees identified from the Notices before they are confirmed.

#### 4 Council Response to Objections

4.1 The following responses are made to the issues raised in order as noted above:

##### **Barton Willmore – Stantec**

- The Council contend that the regulatory requirements were met, with formal notices, including location maps and aerial photo maps posted via recorded delivery to all relevant landowners and e-mails (including Copies of Regulation 5 & 6 notices, Location/Aerial Maps, Schedule specification and list of Trees/Groups/Woodlands affected, with TEMPO's and Tree Inventory Lists also subsequently forwarded) sent to all agents/consultant companies and relevant developers. Note there is no statutory requirement to serve the Tempo assessments.
- Hand delivery of notices were made to all relevant properties adjoining or close to the areas affected by the TPO's. Numerous site notices were also posted across the areas affected.
- In light of concerns raised the 6 week time period for responding to the TPO's, from 9 May ending on 20 June 2023, was extended and accommodated up to Wednesday 7th September, a total period of 17 weeks and two days (addressing the impact of delays likely over the summer holiday period), which is considered to be reasonably sufficient time to enable, and accommodate, responses and submissions to the TPO notices.
- The concern over clarity of numbers and detailing of the TPO Groups is noted. In light of the concern it is proposed to Modify the Notice and list the numbers of trees of each species within the H4 Land to the North of

Dunns Lane & Church Road TPO Tree Groups G1, G3 and G4 more clearly (Group G2 already includes tree numbers) as follows;

- Group G1 (TEMPO ref 2FQ8) - 31 trees – 29 oaks, 1 birch and 1 elder (photos attached in Appendix B), (1 Birch, 1 Elder & 8 oaks at top of “T”, 29 oaks on vertical stem of “T”).
- Group G3 (TEMPO ref 2F96) – Group of 3 early mature Sycamore, abundant epicormic present around base creating a mini hedgerow. (photos attached in Appendix B),
- Group G4 (TEMPO ref 2FB3) – “L” shaped Group of 8 early mature Silver Birch in good condition.
- In addition, in location description for G2, clarify that the text “The Common” relates to a nearby residential property.

#### Savills –

- Potential impact and uncertainty on the masterplanning and delivery of H4. It is not considered the making of these two TPO Orders will have as major an impact that deters or prevents the delivery of the strategic site H4. Much of the detailed work on masterplanning would need to, and be required to, assess the habitat, biodiversity and ecological resources on site as part of an environmental and landscape impact assessment of development on, and of, the site. The work undertaken by the Council to survey the Trees for the TPOs can contribute towards this assessment and helps focus the masterplanning work on addressing, accommodating the value/contribution the trees have on the character and amenity of the site and area, seeking to retain them where necessary. This does not prevent an application coming forward, which will need to assess the presence of the trees in relation to any infrastructure and service provision, address any unavoidable loss through possible replanting within the site, and which can also contribute towards, and be part on the BioDiversity Net Gain (BNG) considerations any future application will also need to address.
- TPO’s T11-T17, T38-T57 and Group G1. These specific TPOs are identified as potentially having the greatest impact on the delivery of the site and road infrastructure and the lack of access to the TEMPOs prevented a review of their validity. In relation to the TEMPOs, these have been forwarded to the owners and agents. In terms of the specific TPOs, a further review of their value/quality has been undertaken in September 2023 to confirm they are worthy of TPO status. The full list of reviewed TEMPOs’ are attached to this report as Appendix C. The reviewed TEMPOs indicated that two of the trees no longer warranted TPO status, TPO’s **T42** and **T51**, TEMPO reference numbers 2F8L and 2F8R. It is therefore recommended that the ‘H4 Land to the North of Dunns Lane & Church Road, Dordon/Polesworth’ TPO be modified by removal of these two trees from the Notice. The site of these two TPO’s to be removed is shown on Map Appendix D. It is not considered these TPO’s will adversely impact on the masterplanning of the site or submission of a planning application. The presence and location of the TPOs will need to be considered as part of the application or master planning process but should not prevent the appropriate routing of the road infrastructure. For example, the Order is overridden if a tree has to be removed to make way for a new building for which full planning permission has been granted. Conditions or information attached to the permission may clarify what work is exempt. Replacement planting may be sought but may be addressed

through the wider BNG work that will also need to be undertaken and addressed.

- Local Wildlife Site (LWS) designation on Hollies Wood negates need for TPO. Owners and Agents have expressed no intention to fell trees. The presence of the LWS designation is noted on Hollies Wood and other woods within the H4 area. The Council see no major impact or difficulties in having both designations/status's applying to the trees, particularly as LWS status is informal and non-statutory i.e. LWS are not protected by any legislation. In this respect they differ from Sites of Special Scientific Interest (SSSI) and have no legal protection through the Wildlife and Countryside Act 1981 (as amended). The making of a TPO order however, provides a level of statutory legal protection under the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Notwithstanding the re-assurances the current landowners and agents have made in regard to no intentions to fell any of the trees the TPO is considered necessary and expedient in light of the H4 sites allocation, the non-statutory nature of LWS status and the changes to land ownership occurring as developers become involved with the site.
- It is noted that the impact of tree removal required to facilitate infrastructure (roads) can be mitigated through the design and masterplanning process, and the Council would expect this as a normal part of the planning process in the approach to planning development on an allocated site. Nevertheless, as noted above, there is considered a need to provide some statutory protection to the trees to help provide focus to the masterplanning of the site. A flexible approach to the protection and maintenance of trees will be applied in light of the sites allocation within the local plan and where loss of trees is unavoidable, due to the requirements and routeing of road infrastructure for example, this will be noted and addressed so any subsequent planning applications can take this into account as part of the applications submission details and environmental assessments. As noted above, the Order is overridden if a tree has to be removed to make way for a new building for which full planning permission has been granted.

#### **Wardell Armstrong –**

- Expediency is only referred to in the regulations and guidance as “***in the interests of amenity*** to make provision for the preservation of trees or woodlands in their area,” – (Town and Country Planning Act 1990, c. 8, Part VIII, Chapter I, Tree preservation orders, Section 198 – bold for emphasis) and not as a requirement in its own right. It was considered that it was **expedient in the interests of amenity** for both TPO's to be made, in light of changes to ownership beginning to occur, other parties becoming involved in the land ownership interests, and the ongoing discussions around the masterplanning framework slowing. Nevertheless, the TEMPO's specifically include assessment on expediency, to which a value is credited for each TPO, contributing to the overall scoring value when determining whether a tree warrants a TPO. The TPOs re-enforce the importance of the trees to be considered in detail as part of the masterplanning underway, to their value to the amenity and character of the area, their ecological and landscape value to the site and their climate change mollifying value (in CO2 absorption and microclimate contribution) to any subsequent form and design of development on this strategic site. The TPO's focus the need to “*agree development design principles and practicalities of enabling the*

*development” by addressing the TPO’s, as well as other ecological and landscape features of the site as part and parcel of the masterplanning process. As the guidance itself states “it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order.”* The Council therefore, on the grounds noted, believe it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in this area.”

- The Forestry Act 1967 requirements offer little control or re-assurance to the loss of important/valuable trees, many of which may be less than 5m<sup>3</sup> in volume/size. Some exceptions also apply. Sanctions against loss of trees greater than 5m<sup>3</sup> are limited and appear rarely applied. The requirements provide no requirement for consideration as part of planning proposals or pre development discussions. They relate primarily to the economic value of the wood/trees, not their amenity value in planning terms.
- Potential cost impacts are noted and understood. However, the designation of the TPO’s should not add unreasonable requirements or additional onerous work either to the masterplanning or planning applications made for development on this site. As planning agents and developers are aware, current planning requirements seek a habitat and biodiversity assessment of sites, their landscape character and the impact of development upon that. The introduction of Biodiversity Net gain requirements (BNG) soon would also apply a detailed level of site assessment requiring a detailed knowledge of biodiversity impacts from the development of a site for compensatory calculations. This assessment has, in effect, partly been undertaken by the Borough Council through the TEMPO assessments of the trees within the site. This information can now be used and contribute to helping potential developers undertake the assessments necessary and required by planning legislation. No specific evidence has been provided of the additional cost the application of the TPOs will generate in assessment work that would be required by any development of this site, or that the impact on viability would warrant withdrawal of the TPO proposals.
- It is noted and helpful that the amenity value of the trees the subject of the TPOs is recognised by the agents/consultants. The Council do not believe the TPOs will prevent delivery of the north south spine road or package of community benefits development may deliver, as the implications of the TPOs and their retention, loss and/or replacement can be considered through both the masterplanning process, on site assessments and the planning application process and considerations. If the Planning and Development Board agree to making the Orders they will simply become planning material considerations and will not necessarily automatically prevent the granting of planning permission where that is appropriate to enable agreed, allocated and necessary development to come forward/be approved. In legislative terms a grant of consent will override a TPO (as long as appropriate assessment and consideration has been undertaken). If planning permission is granted this could remove the TPO’s and a review would/may be necessary. But reviews of Orders are recommended and advised by the national guidance and regulations anyway, in order to “*ensure that protection is still merited and Orders contain appropriate classifications*” noting “*authorities may wish to set up a programme to review Orders*“, so

avoidance of a resultant review is not a reasonable or adequate reason to **not** make the Orders.

- Amenity. In terms of the point made around amenity the early response to 'expediency' should be noted. Amenity is important to determining whether TPO status is warranted. Nevertheless, the TEMPOs also include assessment criteria for 'Condition & suitability', 'Retention span (in years)', 'Relative public visibility', an 'Expediency assessment' (also important and not credited in the objections made) and 'Other factors' encompassing historic value, veteran status, form and cohesion etc. It is the total aggregate value of the whole assessment that indicates the need, value and importance of whether a tree, wood or group deserve TPO status. No individual criterion scoring low is sufficient in itself in isolation able to override the overall total value score, of which a total score of 12 or more (out of a potential 25) is generally sufficient and defensible to warrant application of TPO status.
- TEMPO Assessments – Copies were subsequently supplied and forwarded by e-mail to all agents and consultants involved. However it should be noted that there is no statutory requirement to serve the Tempo assessments with Orders and Regulation 5 Notices.
- Other Issues – Locations of trees and Drafting errors – Disagree that the locations of individual trees is difficult to ascertain or the maps supplied are of insufficient detail, scale and size. The descriptions in the Notices used distances and compass directions from identifiable points on the ground or maps to enable trees, groups etc to be identified. The commentary and evidence contained within and provided with, the notices is considered to clearly allow consideration of their siting. This can be cross referenced with the TEMPOs and Tree Inventory Reports, location maps and the aerial map photography and the photographs taken of the various TPO's (particularly focussed on the Group and Individual TPO trees) to enable identification of the trees and can be legally enforced. The maps supplied also indicate their scaling to enable measurement and, as electronic pdf documents, can be expanded on screen automatically without requiring specialist printing equipment. Nevertheless, to help identify the individual trees the use of easting and northing grid references for the individual trees as suggested is noted and will be added to the detail description of the individual trees. It is not as useful or necessary for the larger groups and woodlands . In addition, the photographs that accompany the TPO groups and individual trees have been numbered AS NOTED on the attached Appendix B group photos, to help identify the trees involved and will be added to the Notices and detailed information comprising the TPO. These modifications should also address concerns raised regarding drafting errors and which trees are protected.

4.2 For Members information the full copies of the Objection representations received are attached as Appendix E.

## 5 Observations and Recommendations

5.1 The decision to make an Order is whether it is in the interests of the amenity of the area to do so. Here the trees are prominent in the public domain from a number of Public Rights of Way, highways and adjoining land. They are visible as part of the landscape character of the area and contribute significantly to amenity and character of the area (as accepted in the submissions/objections made). In these

respects, the trees enhance the amenity of the area. The representations made do not provide any evidence to show that the trees are not in good health or that they will cause maintenance difficulties. These should be dealt with under normal good practice in any event.

5.2 The Council's responses to the issues raised are considered to address the concerns and through the modifications proposed to the Notices to address the additional detail and clarification sought for the notices.

5.3 Confirmation of both Notices and Orders is therefore recommended, as modified by the following;

- For the Order **H4 Land to the North of Dunns Lane & Church Road, Dordon/Polesworth** by the;

a) removal of the TPO's T42 and T51, TEMPO reference numbers 2F8L and 2F8R,

b) by the clarification of tree numbers and species type contained within Groups G1, G3 and G4, and

c) by clarification in Group G2 that the text indicating "The Common" relates to a nearby residential property, , and similarly,

- For the Order **H4 Land to the South of Dunns Lane, Dordon** by the

a) clarification of the number and species of trees contained within Group G1,

b) clarifying the location and identifying which trees are affected by TPO's T8 to T20 using additional text and photo evidence,

with the detailed changes to the TPO descriptive text, the deletion of the indicated TPO trees covered, the inclusion of the additional information highlighted above, the reviewed TEMPOs and photograph evidence and identification, all to be added to the Notices and Orders, to be delegated to the Borough's Head of Legal Services and Head of Development Control.

## 6 Report Implications

### 6.1 Financial and Value for Money Implications

6.1.1 There are no implications in making this Order, but if confirmed, then there may be implications, in that compensation may be payable, if Consent is refused for works to a protected tree.

### 6.2 Legal and Human Rights Implications

6.2.1 The Town and Country Planning Act 1990 only allows tree preservation orders to be made if it is expedient to do so in the interests of amenity. If members are satisfied that this remains the case having considered all the facts, the Orders may be confirmed. As part of that confirmation process the Board may modify the Orders if they consider it is appropriate to do so to clarify the trees protected and take proper account of the representations received. Once made, the owners of the land would have a legal responsibility to maintain the tree and protect it from harm. Applications will need to be made to the Local Planning Authority in order to carry out works to



the trees other than limited exceptions such as works to a protected tree to prevent an immediate risk of harm.

6.2.2 The fact that a Tree Preservation Order has been made in relation to land does not prevent the later grant of planning permission in relation to that land however, it is a material consideration.

### 6.3 **Environment and Sustainability Implications**

6.3.1 The trees to be protected exhibit value and contribution for both the present and the future public amenities of the area, given their appearance and prominence to the character, appearance and amenity of the site and future development.

The Contact Officer for this report is Mike Dittman (719451).

**NOT FOR PUBLICATION**

by virtue of paragraph 6  
of Part 6 of Schedule 12A to the  
Local Government Act 1972

**Agenda Item No 10****Planning and Development Board****06 June 2022**

**Report of the  
Head of Development Control**

**Tree Preservation Orders – Within  
or close to Local Plan Proposal H4  
Site Area, Polesworth and Dordon**

**1 Summary**

- 1.1 The report sets out an approach to the making and possible confirmation of a large number of Tree Preservation Orders on or close to the Local Plan Residential Allocation known as site H4 (Land east of Polesworth and Dordon).

**Recommendation to the Board**

- ...
- a That Orders be made in respect of the individual trees and groups of trees as shown on the Map contained in Appendix A.**
  - b That consultation then be undertaken and that in the event of an objection being received to any Order, the matter be referred back to the Board, but that if no objections are received the confirmation of making an Order be delegated to Officers, in consultation with the Chairman, the Opposition Spokesperson and the local Members.**
  - c) That a report be brought back to Board to confirm the orders.**

**2 Consultation**

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

**3 Introduction**

- 3.1 As members are aware, Site H4 is one of the strategic housing allocations in the North Warwickshire Local Plan. Officers are keen to ensure that trees or groups of trees worthy of retention have suitable protection. A study of the area has been carried out to consider making Tree Preservation Orders on a significant number of individual trees, as well as areas of woodland that lie within the H4 site and its surroundings.
- 3.2 The H4 landowners and their respective agents are currently progressing a Master Planning Framework for the site, along with the both the Polesworth and Dordon Parishes. This was an agenda item dealt with by the LDF meeting on 23 May 2022. One matter that has been raised as part of this process, is the

community's wish to see as many trees as possible being retained on the site. Some protection is therefore sought through the application of appropriate Tree Preservation Orders. This would then also help to inform the current Master Planning Framework discussions.

- 3.3 Officers have therefore sought the support of the County's Forestry Officers in surveying the area and preparing a tree inventory for the site and surrounding area. An overall site plan at Appendix A illustrates the scale of that inventory.
- 3.4 A substantial number of individual assessments have been made either of individual trees or of woodland areas. Each Assessment is known as a Tree Evaluation Method for Preservation Orders (a "TEMPO"). As a consequence of this recognised and established method, some 97 separate Orders are recommended as the trees or woodlands score above or very close to the threshold of recommending that Orders are made.
- ... 3.5 All of the TEMPO sheets are available for Members to view in Appendix B attached. A copy of the Tree Inventory for each TPO is also available for Members to view on request.

#### 4 **Observations**

- 4.1 Members are aware that Orders can be made when "it is expedient in the interests of amenity" to do so. The trees across the H4 site are prominent, visible from many public viewpoints and contribute significantly to the amenity and character of this area. Elements of the tree groups also provide significant amenity along the hedgerows, rights of way and current road network, in, around and close to the site. The assessments show that the trees are in good condition and many have a significant retention span. They are large, readily visible to the public and form a collective group of trees enhancing the setting of the site and the network of roads and public rights of way around the site. Their protection too will enhance the shape and content of the final Master Plan for the whole site.
- 4.2 Given the potential for felling, and to guard against potential pre-emptive works by subsequent new developers of the site and/or works prior to finalising the current work on the Master Planning Framework, it is considered necessary in this case that Orders should be made. Given the scale of this exercise, a different approach is being recommended.
- 4.3 It is therefore recommended that the Board confirm in principle the making of the 97 Orders. Consultation will then take place and the opportunity for representations and objections will be made available. Following this period, it is recommended that any objections received are referred back to the Board to consider, but that if there are none, the decision to confirm all or any of the Orders is delegated to Head of Legal Services or Head of Development Management in consultation with the Chairman, the Opposition Spokesperson and the local Members.
- 4.4 Members are invited to view the TEMPO assessments at any time, but those which relate to any objections received will be referred the Board for it to consider when it considers whether to confirm or not.

## 5 Report Implications

### 5.1 Finance and Value for Money Implications

- 5.1.1 There are no implications to the making of an Order, but Members should be aware that in certain circumstances, claims for compensation can be made when tree works to protected trees are refused consent.

### 5.2 Legal, Data Protection and Human Rights Implications

- 5.2.1 The relevant legislation requires the Council to serve notice on landowners and others affected by the tree preservation order that the Order has been made and that they may object to the Order; a minimum of 28 days must be allowed for them to do so. Objections may be made on any grounds and, when deciding whether or not to confirm the Order, the Council must consider any properly made objection. The Council may confirm an Order at any time within 6 months of the date on which it is made and, when doing so, may modify its provisions (but may not extend it to include additional trees).

### 5.3 Environment, Climate Change and Health Implications

- 5.3.1 The protection of trees, where appropriate, accords with the Council's Development Plan, draft Climate Change Action Plan and Corporate Plan in seeking to protect and retain the rural character of the Borough.

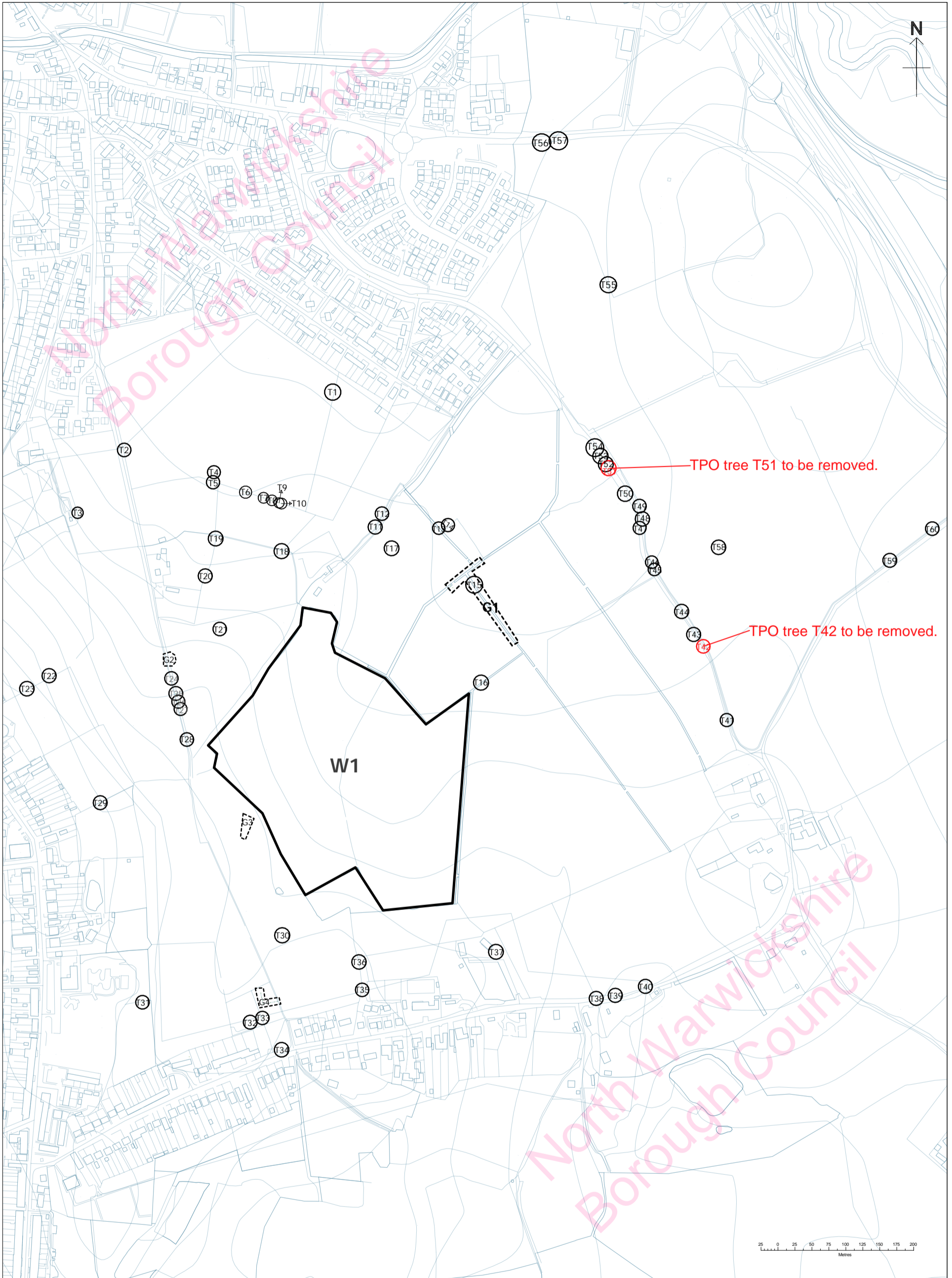
Contact Officer for this report is Mike Dittman (719451).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
Tree Inventory Reports	Warwickshire County Council	Overview and Inventory of each TPO Reference	April 2022

H4 Land to the North of Dunns Lane & Church Road, Dordon/Polesworth **AS MODIFIED**



Tree Preservation Order (TPO)  
**AS MODIFIED**

Types of TPO

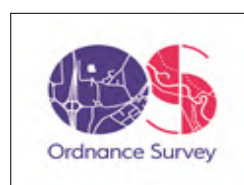


W1 - Woodland  
Solid boundary

G3 - Group TPO  
Dashed boundary

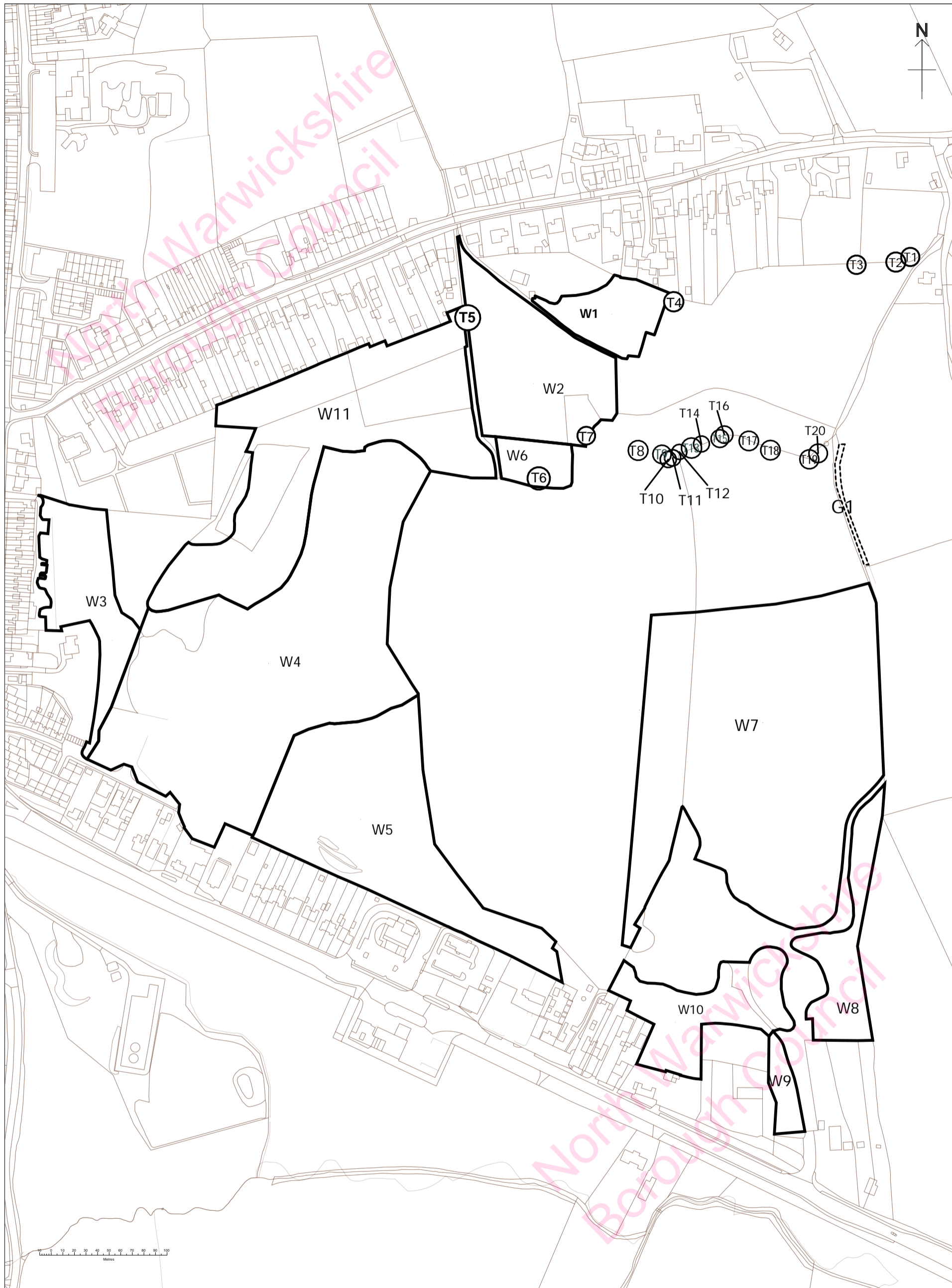
T1 - Single TPO  
Solid circle

(c) Crown Copyright and database rights 2022  
Ordnance Survey 100017910



Operator:	
Department:	CEX' Planning
Drawing No:	
Date: APRIL/2023	Scale: 1:5500

# H4 Land to the South of Dunns Lane, Dordon - AS MODIFIED



North Warwickshire  
Borough Council

**TPO List and Details - AS MODIFIED**

Woodland TPO's - W1 to W11  
Group TPO - G1,  
Individual TPO's - T1 to T20  
(See Inset Map for details of T8 to T20 & G1)

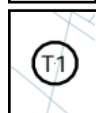
Types of  
TPO



W1 to W11 - Woodland TPO's  
Solid boundary



G1 - Group TPO  
Dash boundary



T1 to T20 - Single TPO  
Solid circle

(c) Crown Copyright and database rights 2023  
Ordnance Survey 100017910



Operator:	
Department:	Planning
Drawing No:	
Date: APRIL/2023	Scale: 1:3250

H4 Land to the North of Dunns Lane & Church Road, Dordon/Polesworth, Dordon) TPO 2023  
Group G1 (TEMPO ref 2FQ8)



Group G1 (TEMPO ref 2FQ8)





Group G1 (TEMPO ref 2FQ8)



Group G1 (TEMPO ref 2FQ8) (earlier 2022 photos)



Group G1 (TEMPO ref 2FQ8) (earlier 2022 photos)

Group G3 (TEMPO ref 2F96)



Group G4 (TEMPO ref 2F96)



H4 Land to the South of Dunns Lane, Dordon Tree Preservation Order 2023  
Group G1 -



H4 Land to the South of Dunns Lane, Dordon Tree Preservation Order 2023

Individual TPO Trees – T8 to T20



T8



T9



T10



T11



T12



T13



T14



T15



T16



T17



T18



T19



T19

T20

## TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET &amp; DECISION GUIDE

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>			
TPO Ref (if applicable)	Tree/Group No: 2F9T	Species: Quercus sp.	
Owner (if known)	Location: Polesworth/Dordon		

## REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment****a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

**Score & Notes**

5

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality**Score & Notes**

5

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

**Score & Notes**

2

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                               |
|--|-------------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <b>Score &amp; Notes</b><br>4 |
| 4) Tree groups, or principal members of groups important for their cohesion                    |                               |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |                               |
| 2) Trees of particularly good form, especially if rare or unusual                              |                               |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |                               |
| -1) Trees with poor form or which are generally unsuitable for their location                  |                               |

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |  |                               |
|--|-------------------------------|
| 5) Immediate threat to tree inc. S211 Notice | <b>Score &amp; Notes</b><br>2 |
| 3) Foreseeable threat to tree                |                               |
| 2) Perceived threat to tree                  |                               |
| 1) Precautionary only                        |                               |

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 18
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F9S	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 2
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 18
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------



12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matt Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F9D	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 3
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 19
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F9C	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
5

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
5

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
3

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
4

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
2

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b>
19

<b>Decision:</b>
Yes TPO

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>	
TPO Ref (if applicable)	Tree/Group No: 2F9G Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 3
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 16
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>			
TPO Ref (if applicable)	Tree/Group No: 2FQ8	Species: Mixed broadleaf	
Owner (if known)	Location: Polesworth/Dordon	sp.	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* *Relates to existing context and is intended to apply to severe irremediable defects only*

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* *Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

**c) Relative public visibility & suitability for TPO**

*Consider realistic potential for future visibility with changed land use*

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4 +1 (Group)
--

**d) Other factors**

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17 + 1
--

<b>Decision:</b> Yes TPO
-----------------------------



12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27/09/2023 Surveyor: Matthew Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F9E	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 2
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 18
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F81	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 5
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 5
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 22
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2FAZ	Species: Cedrus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
5

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
5

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
4

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
1

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
2

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b>
17

<b>Decision:</b>
Yes TPO

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>	
TPO Ref (if applicable)	Tree/Group No: 28GZ Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------



12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F9J	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F8H	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>	
TPO Ref (if applicable)	Tree/Group No: 2F8G Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F8L	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
1

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
1

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |   |                          |   |
|---|---------------------|---|--------------------------|---|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Score &amp; Notes</b></td> </tr> <tr> <td style="text-align: center;">4</td> </tr> </table> | <b>Score &amp; Notes</b> | 4 |
| <b>Score &amp; Notes</b>  |                     |   |                          |   |
| 4   |                     |   |                          |   |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |   |                          |   |
| 3) Medium trees, or large trees with limited view only              | Suitable            |   |                          |   |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |   |                          |   |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |   |                          |   |

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |   |                          |  |
|--|---|--------------------------|--|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Score &amp; Notes</b></td> </tr> <tr> <td style="height: 100px;"></td> </tr> </table> | <b>Score &amp; Notes</b> |  |
| <b>Score &amp; Notes</b>   |   |                          |  |
|  |   |                          |  |
| 4) Tree groups, or principal members of groups important for their cohesion                    |   |                          |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |   |                          |  |
| 2) Trees of particularly good form, especially if rare or unusual                              |   |                          |  |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |   |                          |  |
- 1) Trees with poor form or which are generally unsuitable for their location

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |  |   |                          |  |
|--|---|--------------------------|--|
| 5) Immediate threat to tree inc. S211 Notice | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Score &amp; Notes</b></td> </tr> <tr> <td style="height: 100px;"></td> </tr> </table> | <b>Score &amp; Notes</b> |  |
| <b>Score &amp; Notes</b>                     |   |                          |  |
|  |   |                          |  |
| 3) Foreseeable threat to tree                |   |                          |  |
| 2) Perceived threat to tree                  |   |                          |  |
| 1) Precautionary only                        |   |                          |  |

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b>
6

<b>Decision:</b>
TPO indefensible



12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F8E	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* *Relates to existing context and is intended to apply to severe irremediable defects only*

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* *Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

**c) Relative public visibility & suitability for TPO**

*Consider realistic potential for future visibility with changed land use*

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F8D	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
3

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
4

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
4

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
4

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
2

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b>
17

<b>Decision:</b>
Yes TPO

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 11.2.22	Surveyor: Matt Alford
---------------	-----------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F8B	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
3

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
4

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
4

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
4

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
2

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b>
17

<b>Decision:</b>
No TPO

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 28N0	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 3
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 15
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------



12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F8A	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
3

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
4

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
4

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
4

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
2

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b>
17

<b>Decision:</b>
Yes TPO

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F88	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 5
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 20
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F8P	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F8V	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------



12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 278.09.2023	Surveyor: Matthew Alford
-------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F8U	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
3

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
4

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
4

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
4

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
2

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b>
17

<b>Decision:</b>
Yes TPO

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F86	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
3

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
4

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
4

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
4

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
2

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b>
17

<b>Decision:</b>
Yes TPO

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F84	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17
------------------------------------

<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F99	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
3

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
4

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
4

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
4

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
2

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b>
17

<b>Decision:</b>
Yes TPO



12-15  
16+

TPO defensible  
Definitely merits TPO

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 27.09.2023 Surveyor: Matthew Alford

<b>Tree details</b>		
TPO Ref (if applicable)	Tree/Group No: 2F9A	Species: Quercus sp.
Owner (if known)	Location: Polesworth/Dordon	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b> 3
-------------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b> 4
-------------------------------

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b> 4
-------------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b> 4
-------------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b> 2
-------------------------------

**Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

<b>Add Scores for Total:</b> 17
------------------------------------

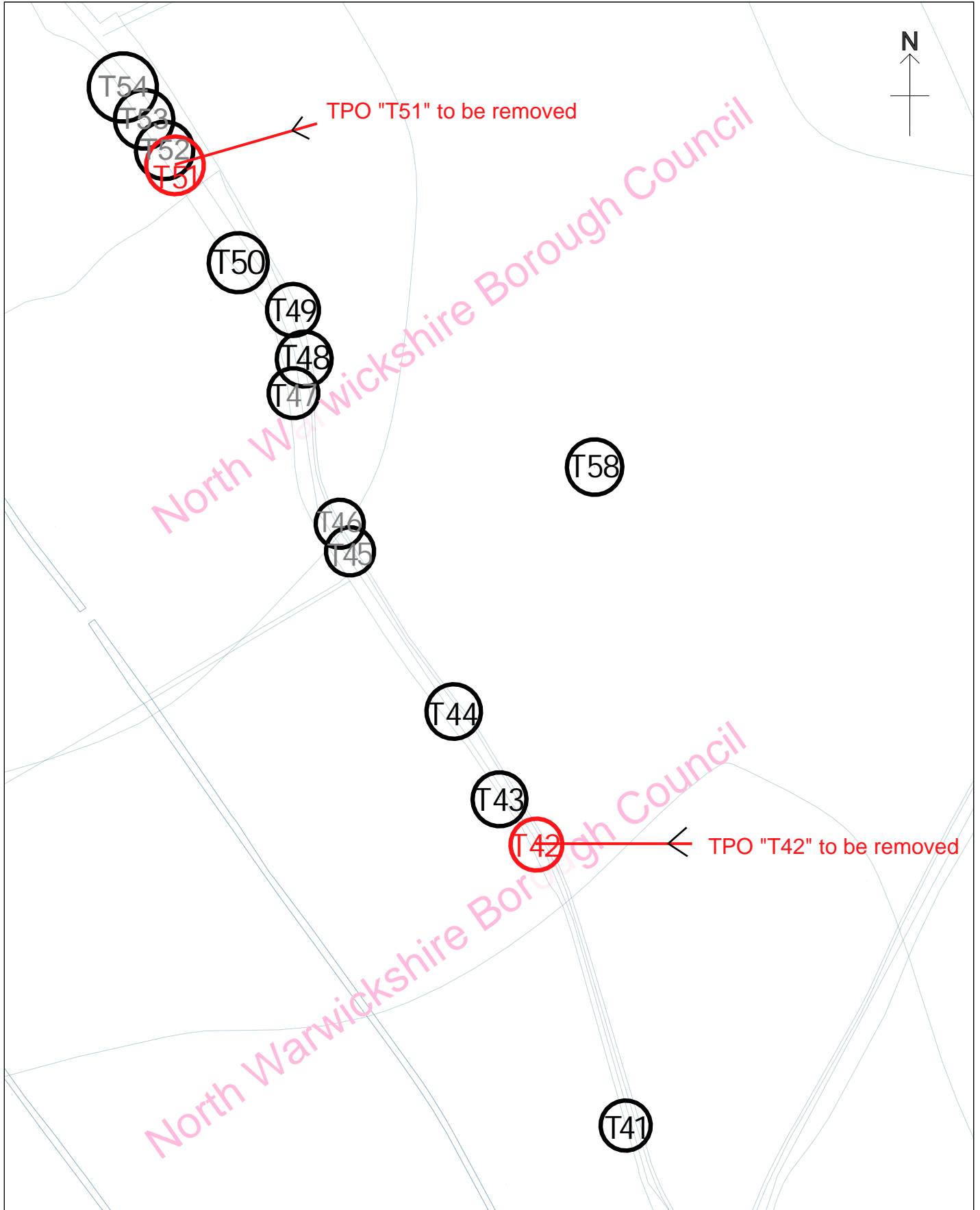
<b>Decision:</b> Yes TPO
-----------------------------

12-15  
16+

TPO defensible  
Definitely merits TPO

H4 Land to the North of Dunns Lane & Church Road, Dordon/Polesworth

Map Extract B - TPO Trees to be removed - As Modified



Date: APRIL/2023  
Scale: 1:2000

**Map Extract B**  
TPO's - T41 to T54 & T58  
**AS MODIFIED**

© Crown copyright and database rights 2023  
Ordnance Survey 100017910



**T58** - Individual Tree Preservation Order  
and Number (TPO) solid circle



**BIRMINGHAM**  
 BRISTOL  
 CAMBRIDGE  
 CARDIFF  
 EDINBURGH  
 GLASGOW  
 KINGS HILL  
 LEEDS  
 LONDON  
 MANCHESTER  
 NEWCASTLE  
 READING  
 SOUTHAMPTON

**BARTON  
 WILLMORE** now  **Stantec**

**bartonwillmore.co.uk**  
 10th Floor  
 Bank House  
 8 Cherry Street  
 Birmingham  
 B2 5AL  
 T/ 0121 711 5151

Annie Ryan  
 Principal Solicitor  
 The Council House  
 South Street  
 Atherstone  
 Warwickshire  
 CV9 1DE

BY EMAIL ONLY TO: [ANNIERYAN@NORTHWARKS.GOV.UK](mailto:ANNIERYAN@NORTHWARKS.GOV.UK)

34629/A3/MXS/BDC

6 June 2023

Dear Annie,

**NORTH WARWICKSHIRE BOROUGH COUNCIL  
 (H4 LAND TO THE NORTH OF DUNNS LANE & CHURCH ROAD, DORDON/POLESWORTH) TREE  
 PRESERVATION ORDER 2023, AND  
 (H4 LAND TO THE SOUTH OF DUNNS LANE, DORDON) TREE PRESERVATION ORDER 2023  
 TOWN AND COUNTRY PLANNING (TREES PRESERVATION) (ENGLAND) REGULATIONS 2012**

We write on behalf of our Clients, Bloor Homes, the Church Commissioners for England and IM Land in respect of two temporary Tree Preservation Orders (*H4 Land to The North of Dunns Lane & Church Road, Dordon/Polesworth*, and *H4 Land to The South of Dunns Lane, Dordon*) (hereafter referred to as 'The Orders') that have been brought into force by North Warwickshire Borough Council (hereafter referred to as 'The Council') via notices dated 9<sup>th</sup> May 2023.

**Summary**

It is our contention that these Orders have been both incorrectly *serviced* and incorrectly *made*, as:

- 1) Documentation pursuant to both Orders received by email on 12<sup>th</sup> May 2023 did not include the formal Regulation 5 Notice<sup>1</sup>. This Notice includes the following information required by law:
  - a) the reasons for making the order (as required by Regulation 5 (2)(a))
  - b) a copy of Regulation 6 (as required by Regulation 5 (2)(d))

<sup>1</sup> The Regulation 5 Notice was instead received separately via email on 19<sup>th</sup> May 2023.

Regulation 5 (1) (a) requires both the Order *and* Notice to be served on the persons interested in the land. We submit that these should be served simultaneously as a complete package.

- 2) Neither package of documentation (that received on either 12th May or 19th May) contains information specifying the number of trees of each species in each group, as required by Regulation 3 (1) (b). Both Orders have therefore been incorrectly made.

We accordingly invite the Council to update both Orders with the information as required by Regulation 3 (1) (b) and re-serve both Orders upon our Clients in their entirety.

We also request that the Council provides us and our Clients with the TEMPO assessments for both Orders so that we may prepare a thorough and informed response to each Order.

Lastly, given the length of time it undoubtedly took for the Council to undertake the surveys and TEMPO assessments for both Orders, it is respectfully requested that an extended deadline be provided when the Council re-serves both Orders upon our Clients, in order to give sufficient time to assess the trees protected by the Orders and the TEMPO assessments used to justify their protection. It is requested that we are afforded 12 weeks from the day the Notice is re-served to respond.

## **Justification**

As you will be aware, Tree Preservation Orders (TPOs) are governed by the *Town and Country Planning (Trees Preservation) (England) Regulations 2012* (hereafter referred to as 'The Regulations'). Specifically, Part 2 Schedule 3 of The Regulations details the *Form of [a] Tree Preservation Order*, whilst Part 2 Schedule 5 of the Regulations prescribes the *Procedure After Making an Order*. In full, they state:

*3.— (1) An order shall be in the form set out in the Schedule to these Regulations or in a form substantially to the same effect and—*

- (a) shall specify the trees, groups of trees or woodlands to which it relates;*
- (b) where the order relates to a group of trees, shall specify the number of trees of each species in the group;*
- (c) shall indicate the position of the trees, groups of trees or woodlands, as the case may be, by reference to a map; and*
- (d) shall include information as to—*
  - (i) whether or not the order was confirmed;*
  - (ii) any variation of the order; and*
  - (iii) any revocation of the order.*

*(2) An order shall contain or have annexed to it the map referred to in paragraph (1)(c) and, where a map is annexed to an order, it shall be treated as part of the order.*

*(3) The map contained in, or annexed to, an order shall be prepared to a scale sufficient to give a clear indication of the position of the trees, groups of trees or woodlands to which the order relates.*

*(4) In the case of any discrepancy between the map contained in, or annexed to, an order and the specification contained in the Schedule to that order, the map shall prevail.*

- 5.— (1) *As soon as practicable after making an order, and before confirming it, the authority which made it shall—*
- (a) *serve on the persons interested in the land affected by the order—*
    - (i) *a copy of the order; and*
    - (ii) *a notice containing the particulars specified in paragraph (2);*
  - (b) *make a copy of the order available for public inspection, in accordance with paragraph (3); and*
  - (c) *in the case of an order made following service of a notice under section 211(3) (preservation of trees in conservation areas), serve on the person who served that notice the information specified in sub-paragraph (a).*
- (2) *The particulars mentioned in paragraph (1)(a)(ii) are—*
- (a) *the reasons for making the order;*
  - (b) *a statement that objections or other representations with respect to any trees, groups of trees or woodlands specified in the order may be made to the authority in accordance with regulation 6;*
  - (c) *the date, being at least 28 days after the date of the notice, by which any objection or representation must be received by the authority; and*
  - (d) *a copy of regulation 6.*
- (3) *A copy of the order shall be made available for inspection, free of charge, at all reasonable hours, at the offices of the authority by whom the order was made; and where an order is made on behalf of an authority, it shall be made available for inspection also at the offices of the authority on whose behalf it was made.*

With direct reference to Schedules 3 and 5 of the Regulations as reproduced above, we submit that the Orders have been incorrectly served and are therefore not valid. The reasoning for this is set out below.

Firstly, documentation pursuant to The Orders was first received by us and our Clients via email on 12<sup>th</sup> May 2023 and included a covering letter, A3 mapping (including Inset) and a photograph of the land for illustrative purposes. In essence, this is information as described by Regulation 3 (1) (a) and (c).

However, a formal Regulation 5 Notice for both Orders was missing from this documentation and was not provided until 19<sup>th</sup> May 2023<sup>2</sup>. The Council therefore failed to serve information required by Regulation 5 (a)(ii). The Regulation Notices contained the information described by Regulation 5 (2), of which Parts (a) and (d)<sup>3</sup> had not been provided previously.

This is at odds with Regulation 5 (1) (a) which requires the authority to serve on the persons interested in the land affected by the order a copy of the order *and* a notice containing the particulars specified in paragraph (2) [emphasis added]. The use of the word '*and*' necessitates this information be served simultaneously.

As such, it is contended that the Orders have been incorrectly served.

In addition, neither package of documentation (that received on either 12<sup>th</sup> May or 19<sup>th</sup> May) contains information specifying the number of trees of each species in each group, as required by Schedule 3 (1) (b).

<sup>2</sup> Following a request made by Barton Willmore, now Stantec.

<sup>3</sup> The reasons for making the order and a copy of Regulation 6.

The Orders have therefore also been incorrectly made.

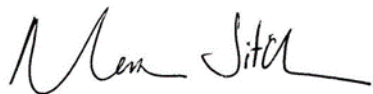
We therefore invite you to formally serve upon our Clients (and any other relevant persons) the Notices in full, in accordance with the Regulations, inclusive of the information required by Schedule 3 (1) (b).

Lastly, the Notices make reference to "*a substantial number of assessments known as a ('TEMPO') for individual trees, groups of trees and woodlands*". Please take this letter as a formal request for you to make these assessments publicly available in order to inform our and others responses to the TPOs.

Given the length of time it undoubtedly took for the Council to undertake the TEMPO assessments for both Orders, it is respectfully requested that an extended deadline be provided when the Council re-serves both Orders upon our Clients. It is requested that we are afforded 12 weeks from the day the Notice is re-served to respond.

We trust the above is clear. However, if you require any additional information or would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely,



**MARK SITCH**  
**Planning Director**

CC Dorothy Barratt, North Warwickshire Borough Council  
Mike Dittman, North Warwickshire Borough Council  
Max Whitehead, Bloor Homes  
Sarah Milward, IM Land  
Matthew Naylor, Church Commissioners for England



Annie Ryan  
Principal Solicitor  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

BY EMAIL ONLY TO: [ANNIERYAN@NORTHWARKS.GOV.UK](mailto:ANNIERYAN@NORTHWARKS.GOV.UK)

34629/A3/MXS/BDC/JP

19 June 2023

Dear Annie,

**NORTH WARWICKSHIRE BOROUGH COUNCIL  
(H4 LAND TO THE NORTH OF DUNNS LANE & CHURCH ROAD, DORDON/POLESWORTH) TREE  
PRESERVATION ORDER 2023, AND  
(H4 LAND TO THE SOUTH OF DUNNS LANE, DORDON) TREE PRESERVATION ORDER 2023  
TOWN AND COUNTRY PLANNING (TREES PRESERVATION) (ENGLAND) REGULATIONS 2012**

We write on behalf of our Clients, the Church Commissioners for England, IM Land and Bloor Homes in respect of two temporary Tree Preservation Orders (H4 Land to The North of Duns Lane & Church Road, Dordon/Polesworth, and H4 Land to The South of Dunns Lane, Dordon) (hereafter referred to as 'The Orders'), further to our letter of 6<sup>th</sup> June and emails of 13<sup>th</sup> and 14<sup>th</sup> June 2023.

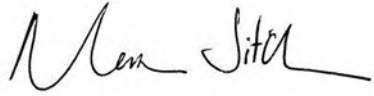
We set out in our letter of 6<sup>th</sup> June 2023 that it is our view that these Orders have been incorrectly served and incorrectly made. We accordingly invited the Council to update both Orders with the information required by and re-serve both Orders on our Clients in their entirety. We do not consider the Council's response on 15<sup>th</sup> June 2023 changes this position. **We therefore formally object to both Orders.**

The Council have now provided the TEMPO assessments, on which you rely to make these Orders, in your email of 15<sup>th</sup> June and we will review this information before responding in more detail as part of our objection.

We welcome the Council's agreement to extend the time period in which to respond by 12 weeks from the date of their letter of 15<sup>th</sup> June 2023 and will respond within this time. This is not acceptance on our part that these Orders were correctly served or have been since.

We trust the above is clear. However, if you require any additional information or would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely,



**MARK SITCH**  
**Planning Director**

CC Jeff Brown, North Warwickshire Borough Council  
Mike Dittman, North Warwickshire Borough Council

Matthew Naylor, Church Commissioners for England  
Sarah Milward, IM Land  
Max Whitehead, Bloor Homes

19 June 2023  
TPO Representations\_SUBMITTED



Annie Ryan  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

Michael Davies  
E: mpdavies@savills.com  
DL: +44 (0) 1216 348 436

**By Email only:** [annieryan@northwarks.gov.uk](mailto:annieryan@northwarks.gov.uk)

Dear Annie

55 Colmore Row  
Birmingham B3 2AA  
T: +44 (0) 121 200 4500  
F: +44 (0) 121 633 3666  
savills.com

**North Warwickshire Borough Council (H4 to the North of Dunns Lane & Church Road,  
Dordon/Polesworth, Dordon) Tree Preservation Order 2023**

Thank you for your letter dated 11<sup>th</sup> May 2023, in respect of the above proposed Tree Preservation Order (TPO). We submit these representations on behalf of Cathedral Agricultural Land Partnership (CAP), a landowner at allocation H4, land at Polesworth and Dordon.

We object to the designation of TPOs at T11 – T17, T38 – T57. and group G1, as set out in your letter. We note that group W1 covers the area known as the Hollies, which is already subject to protection as a Local Wildlife Site (LWS). We therefore object to this designation, and question the need for the TPO in this location, when suitable safeguards already exist.

The order states that TEMPO assessments have been undertaken on the trees proposed to be subject of the order. However we have not had sight of the results these assessment, and therefore cannot review their validity and acceptability evidence the TPO designations. We therefore withhold comment on the TEMPO assessment of the trees proposed to be subject of the TPO until we have had sight of the assessments.

Reference is made in the order to it being required to guard against pre-emptive works at H4, prior to finalising current work on the Master Planning Framework. There is no intention from Cathedral Agricultural Partnership to undertake any felling works to trees T11 – T17, T38 – T57 and group G1. If any works are required for good arboricultural management, CAP are happy to voluntarily notify NWBC of this, should that assist in ensuring the community is clear on the context of any such works.

CAP intend to retain trees on their land prior to development, and would seek for as many trees to be retained as possible during development. However there is a risk that in bringing forward a TPO across such a large range of trees, that there will be uncertainty placed on the masterplan which could have unintended consequences to other site delivery matters. This is particularly relevant in the context of it being highly likely that at least some tree removal will be required to facilitate the key infrastructure such as the link road from B5000 to A5, related access roads and ultimately wider development parcels.

Such loss could be mitigated and designed as part of the masterplanning process for an outline application. This would include categorisation of the value of trees, something that has not been undertake and is not required for a TPO designation. Once trees are categorised, an assessment would be able to be made in line with paragraph 180 of the National Planning Policy Framework. We request that NWBC, in being minded to bring this TPO forward adopt a flexible evidence based approach to protection and maintenance of the trees going forward.

We therefore object to the designation of trees T11 – T17, T38 – T57 and group G1 on the basis of a lack of access to the TEMPOs undertaken, and furthermore in the context of it potentially having an impact on the deliverability of allocation H4 if not properly managed going forward. We would welcome confirmation from the Council that flexibility will be applied where appropriate at the masterplanning stage.



Please do get in contact should you wish to discuss the submission in further detail.

Yours sincerely

A handwritten signature in black ink that reads "Michael Davies". The signature is written in a cursive style with a large, stylized initial 'M'.

Michael Davies  
Director

**Wardell Armstrong**

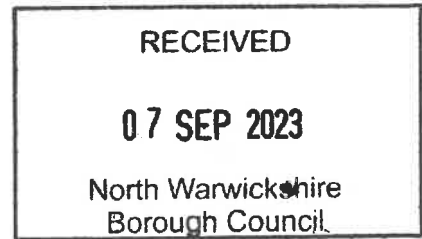
Sir Henry Doulton House, Forge Lane, Etruria, Stoke-on-Trent, ST1 5BD, United Kingdom  
Telephone: +44 (0)1782 276 700 www.wardell-armstrong.com



*Our ref:* MS/BM12556 /TPOH4OBJ  
*Your ref:* TPO/ H4 North of Dunns Lane & Church Road,  
Dordon/Polesworth

Date: 7<sup>th</sup> September 2023

Annie Ryan  
Principal Solicitor  
North Warwickshire Borough Council  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE



By Email to: [annieryan@northwarks.gov.uk](mailto:annieryan@northwarks.gov.uk)

Dear Annie,

**Re: Objection to Tree Preservation Orders H4 Land to the North of Dunns Lane & Church Road, Dordon/Polesworth & H4 Land to the South of Dunns Lane, Dordon Tree Preservation Order 2023**

On behalf of our clients, Bloor Homes Ltd and IM Land , we hereby object to the confirmation of the two Tree Preservation Orders (TPOs) listed below and request that the Local Planning Authority (LPA) does not confirm the Orders for reasons given in this letter:

- H4 Land to the North of Dunns Lane & Church Road, Dordon/Polesworth Tree Preservation Order 2023;
- H4 Land to the South of Dunns Lane, Dordon Tree Preservation Order 2023.

Introduction

My name is Moray Simpson and I have assessed the two Orders documents and maps and the trees protected by the two aforementioned TPOs. Experience of Tree Preservation Orders (TPOs) is relevant to this objection to the TPOs. I have just over ten years' (between 2004 and 2015) Local Government experience of administering TPO applications and making TPOs for





three different Local Planning Authorities. Over this time I have personally made well over one hundred and fifty Tree Preservation Orders, protecting many hundreds of individual trees and many thousands of woodland trees.

Since leaving Local Government in 2015, I have worked for Wardell Armstrong as an Arboricultural Consultant, starting at Principal level in 2015 and then being promoted to Technical Director and Service Lead for Arboriculture in 2023. Since 2020, I have undertaken assessment of Tree Preservation Order applications, requests for trees to be protected by TPO by members of the Public and TPO enforcement/ prosecution for the City of Stoke in Trent Council, through a framework agreement we have with the Council.

Therefore, with my experience and technical knowledge of Tree Preservation Orders and the reasons for protecting trees, I feel that I am sufficiently knowledgeable and experienced to comment on the two TPOs the subject of this objection letter.

There are two prime considerations for protecting trees by TPO; expediency and amenity. I will consider these in relation to both TPOs. Other issues with confirming the two Orders will also be raised in this letter.

#### Expediency

Government 'Planning Practice Guidance for Tree Preservation Orders can be found on the 'Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government' website (DLUHC & MHCLC, 2014). This states that 'It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area'. We have underlined the words 'risk of trees being felled, pruned or damaged' as this is extremely relevant to why we consider that it is not expedient to protect trees on the sites covered by these two Orders at this time and thus why we consider that the two TPOs should not be confirmed.

The areas covered both of these Orders is allocated for housing (Allocation Ref. H4) in the North Warwickshire Local Plan, which was adopted by the Council in 2021. Since and prior to the allocation, trees on the allocation site have not been felled or inappropriately pruned by our clients (as prospective developers of the site) or the landowners and therefore we contend that there is no risk of felling being undertaken for inappropriate pruning, unless required for health & safety reasons to abate an imminent risk of harm, which incidentally would be accepted works anyway under the TPO Regulations. We contend that the TPO



makes it more difficult and costly to deliver this site for much needed housing, primarily due to it conflicting with the proposed spine road footprint to the south of Dunn's Lane (the need for the road through the site being confirmed in Policy H4 of the adopted North Warwickshire Local Plan). We feel that as there is such a low risk of premediated felling/ pruning of trees, given that both parties are working closely with the Council, prior to the Council agreeing to basic design principles for the housing development, that protection by TPO would be more expedient following development design principles being agreed/ consented by the LPA and that TPO protection takes into account the practicalities of enabling development on an allocated site, whilst retaining and protecting trees that don't prevent the development of the allocated site.

We consider that the serving of the two Orders on a site allocated for housing, prior to the housing development's basic design principles of access and spine road being agreed and consented by the Council, puts at risk the development of the site for housing. It will also increase the cost of developing the site as abnormal design and engineering solutions are required to avoid impacts on potentially protected trees, putting the viability of the site at risk and affecting the package of community benefits that the proposed development could deliver. We do not dispute that many of the trees protected by both TPOs have an amenity value, however our clients are concerned that the two TPOs will prevent their ability to develop the allocated site, due to not being able to provide a north to south spine road and accesses into the site from the surrounding highway network. We contend that the protection of trees should be delayed until basic design principles for the development are agreed with the Council to enable housing to be constructed on a site that is required by the Council to meet the housing needs for the area and to enable the Council to meet their Local plan housing allocations.

Another factor to consider is that the two Orders would have to be reviewed after the housing development is approved and built anyway, as the land use layout will have changed and thus the TPO maps would show a site layout very different to the post development layout. This would make the TPO maps even more difficult to decipher and thus a review and new TPOs based on the future development layout would be considered more sensible approach to ensure protection of trees post development. For this reason we consider the timing of protection of trees on the allocated site is not appropriate and that trees can be protected by TPO when the development design is agreed with the LPA and then constructed as approved by the LPA.



To summarise there is no risk of premediated or premature tree felling or inappropriate pruning prior to the Outline application for development being considered by the Council and therefore we consider that serving of the two Orders at this time does not meet the Government's expediency test. In considering the expediency test, it has to be considered that the Forestry Act 1967 protects woodland and individual trees from felling up to 5m<sup>3</sup> of timber in any one calendar quarter. Therefore there is already in place fallback protection in place.

Our client has instructed Wardell Armstrong to survey the trees and hedgerows on site to inform an Arboricultural Impact Assessment to be submitted for the planning application for development of the area covered by the two TPOs for housing. This survey is currently being undertaken and no tree premediated and/ or premature felling of trees has been observed whilst undertaking this survey. Finally, also it has to be considered that when Biodiversity Net Gain (BNG) legislation comes into force latter this year, that any removal or felling of trees prior to the application being submitted would have to be counted as part of the BNG calculations anyway, so it makes no sense for our client to fell and/ or remove trees at this stage in the development design process for the reason that they would still be counted towards the BNG calculations required for the development.

#### Amenity

Local Planning Authorities can make Tree Preservation Orders (TPOs) if it appears to them to be in the interests of amenity under the 'The Town & Country Planning Act 1990 (as amended)' and by the secondary legislation 'The Town and Country Planning (Tree Preservation) (England) Regulations 2012. The Act does not define 'amenity', however the government's guidance states that *'when deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified'* (DCLG, 2016). In addition the government 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. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future'*. Thus, it is clear that trees or woodlands are not suitable for protection by TPO if they do not meet the government's criteria that their loss would cause a significant negative impact on the local environment and its enjoyment by the public.





We have undertaken basic TEMPO reviews of the trees protected by TPO and we agree that the vast majority of these would merit protection by TPO on amenity grounds alone, however this does not take away from the fact that the expediency of the two Orders at the current time is not merited and that the two Orders contain significant flaws to the extent that they cannot be confirmed as legal documents.

#### TEMPO Assessments

The Regulation Five Notices included with the two Orders states that TEMPO assessments have been undertaken by the Council's Forestry Officer, however our client has not been supplied with copies of these assessments. This means that we have been unable to assess these documents and therefore fully assess the LPAs justification for protecting specific individual trees, tree groups and woodlands by both Orders. Subsequently we have not been given the opportunity to check the Council's TEMPO assessments for errors and to check whether the Council's TEMPO scoring is objective. We contend that the TEMPO scoring sheets should have been included with and referred to in the Regulation 5 Notices, thus providing justification for the two Orders on a tree-by-tree basis. Not providing the TEMPO sheets is reason itself to not confirm both Orders.

#### Other Issues

In Schedule 1 for both Orders, the situations e.g. the locations of the individual trees, tree groups and woodlands has been described in both First Schedules as linear measurements from various locations and also states '*As shown on map*'. These measurements are impossible to measure on the ground. For example for TPO H4 Land to North of Dunns Lane & Church Road, Dordon/ Polesworth, the trees T24 to T28, the situation of the trees has been given as a distance in metres north 'The Common' in hedgerow, Common Lane, as shown on map. This type of location instruction may be easy enough for someone viewing the trees plotted on the Council's GIS, with the view of the trees panned in and then measured in the GIS programme, however in reality the measurement can't be ascertained on site, even if the starting point for the measurements can be ascertained, which in the majority of the cases they can't be accurately ascertained.

The normal way of describing tree position in TPO First Schedules is to give the trees easting and northing grid references. This method is accurate and can be easily checked on the ground with simple equipment and mapping and/ or GPS. As the trees positions cannot be ascertained from the two Orders First Schedules, we contend that the two Orders are not fit for purpose and cannot be legally used to enforce TPO protection of trees where the trees positions cannot be accurately ascertained from the Orders. Therefore, if the LPA cannot



legally show which trees are protected on the ground, how will our clients and members of the public ascertain which trees are protected without adequate situation/ locations given in the two Orders First Schedules?

Both Order's maps include maps showing the positions of the trees protected. It is very difficult to properly ascertain the trees reference numbers on both Orders maps due to the fact that reference numbers for individual trees are included in a circle which denotes the trees positions, rather than being offset from the trees positional circles, which would have resulted in the trees reference numbers being clear to read. These circles obscure the trees reference numbers, with some of them being impossible to read. Even some of the expanded map extracts trees reference numbers are obscured. For example Map Extract B attached to TPO H4 Land to the North of Dunns Lane & Church Road, Dordon/ Polesworth shows the tree reference numbers of the trees shown to the top left of the map to be obscured. It is unacceptable for mapping attached to a legal document, which could be used for protection purposes to be illegible in places. The purpose of the TPO maps is to clearly show which trees are protected and to enable cross referencing with the Orders' First Schedules. Additionally the maps do not have information on them detailing at what paper size they should be printed at to enable hard copies of the maps to be scaled from using a scale ruler, therefore scaling from the maps isn't feasible.

Both Orders contain Group designations, however some of these Group designations do not meet the legal requirements of Part 2 Schedule 3.(1)(a) of the Town and Country Planning (Trees Preservation) (England) Regulations 2012 in as such the numbers of each tree species included in the Order need to be specified. Without specifying the number of trees by species, it is impossible to ascertain which trees in these are actually protected. TPOs must be made in accordance with their governing Regulations and if not, then the TPO is open to appeal in the Courts, within six weeks of being confirmed. We contend that is much better to not confirm the two TPOs due to the errors in the drafting of them. This gives the LPA and our clients time to discuss design principles for the allocated housing development and then to protect trees by a new TPO at the appropriate time to ensure the correct trees are protected during construction following planning consent.

### Summary

In summary, we object on behalf of our client to the two Orders on expediency grounds at the current time, as there is not an extant threat of premature felling of trees protected by the two Orders and that the Orders results in the site allocated for housing development difficult to be developed, taking into account the access and spine road requirements for a



housing development of the size allocated. We also contend that the two Orders referred to in this objection letter should not be confirmed, as the mapping and First Schedules does not allow for the trees protected by the Order to be easily ascertained on the ground and there are drafting errors in the First Schedule for tree groups and as such the two Orders are not fit for purpose.

#### References

DLUHC & MHCLC, 2014. Tree Preservation Orders and trees in conservation areas.

Tree Preservation Orders and trees in conservation areas - GOV.UK ([www.gov.uk](http://www.gov.uk))

JFL, 2009. TEMPO - Tree Evaluation Method for Preservation Orders. Guidance Note for Users (November 2009)

<http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>

**Yours sincerely**

**for Wardell Armstrong LLP**

**Moray Simpson**

**Technical Director & Service Lead for Arboriculture**

**[msimpson@wardell-armstrong.com](mailto:msimpson@wardell-armstrong.com)**

From: Joseph Cramphorn <joseph.cramphorn@savills.com>  
Sent: 07 September 2023 10:50  
To: Mike Dittman  
Cc: Michael Davies  
Subject: RE: North Warwickshire Borough Council (H4 to the North of Dunns Lane & Church Road, Dordon/Polesworth, Dordon) Tree Preservation Order 2023

Caution: Warning external email

Mike

Just to confirm, we have no further comment to make in addition to the representation submitted. Our comments regarding the proposed TPO's potential impact on masterplanning and delivery of H4 still stand, and should be treated as an objection please.

Kind regards

Joseph

Joseph Cramphorn  
Senior Planner  
Planning

Savills, 55 Colmore Row, Birmingham, B3 2AA

Tel

: +44 (0) 12 1634 8417

Mobile

: +44 (0) 78 0799 9794

Email

: joseph.cramphorn@savills.com

Website

: www.savills.co.uk

From: Mike Dittman <MikeDittman@NorthWarks.gov.uk>  
Sent: 01 September 2023 16:56  
To: Joseph Cramphorn <joseph.cramphorn@savills.com>  
Subject: RE: North Warwickshire Borough Council (H4 to the North of Dunns Lane & Church Road, Dordon/Polesworth, Dordon) Tree Preservation Order 2023

Hi Joseph,  
Thanks for your e-mail and apologies for delay in responding but just wanted to check something with you if that's possible.  
I note you said that 'we have no further comment to make' but for the avoidance of doubt, does this mean that they have no further comment in addition to the earlier representations, or is it the case that Savills/CAP do not now object?

Is it possible you could confirm or clarify the situation as regards the original objection to the TPO's thanks, as that would be greatly appreciated.

Best regards,  
Mike Dittman  
Forward planning team  
North Warwickshire Borough Council  
Work Mobile - 07909213050

From: Joseph Cramphorn <joseph.cramphorn@savills.com>  
Sent: 17 August 2023 10:34  
To: Mike Dittman <MikeDittman@NorthWarks.gov.uk>  
Cc: Michael Davies <MPDavies@savills.com>  
Subject: RE: North Warwickshire Borough Council (H4 to the North of Dunns Lane & Church Road, Dordon/Polesworth, Dordon) Tree Preservation Order 2023

Caution: Warning external email

Mike

Thank you for forwarding the below information. Having reviewed with our arboriculturist, we have no further comment to make.

Going forward please can all information issued by the Council that relates to Cathedral Agricultural Partnership's land at H4: Polesworth and Dordon be sent direct to Michael and I? For the avoidance of doubt, although all landowners are working collaboratively, it remains that

Savills are appointed  
planning agent of Cathedral Agricultural Partnership.

Kind regards

Joseph

Joseph Cramphorn  
Senior Planner  
Planning

Savills, 55 Colmore Row, Birmingham, B3 2AA

Tel  
: +44 (0) 12 1634 8417

Mobile  
: +44 (0) 78 0799 9794

Email  
: joseph.cramphorn@savills.com

Website  
: www.savills.co.uk

From: Joseph Cramphorn  
Sent: 16 August 2023 16:36  
To: Mike Dittman <MikeDittman@NorthWarks.gov.uk>  
Cc: Michael Davies <MPDavies@savills.com>  
Subject: RE: North Warwickshire Borough Council (H4 to the North of Dunns Lane & Church Road, Dordon/Polesworth, Dordon) Tree Preservation Order 2023

Mike

Thanks for your email and forwarding on the letter.

I await to hear from our arboriculturist regarding their view on the additional information, but it is useful to know Jeff and Clive would be the correct people to contact. Thank you for your assistance.

Kind regards

Joseph

Joseph Cramphorn  
Senior Planner  
Planning

Savills, 55 Colmore Row, Birmingham, B3 2AA

Tel

: +44 (0) 12 1634 8417

Mobile

: +44 (0) 78 0799 9794

Email

: joseph.cramphorn@savills.com

Website

: www.savills.co.uk

From: Mike Dittman <MikeDittman@NorthWarks.gov.uk>  
Sent: 16 August 2023 16:24  
To: Joseph Cramphorn <joseph.cramphorn@savills.com>  
Cc: Michael Davies <MPDavies@savills.com>  
Subject: RE: North Warwickshire Borough Council (H4 to the North of Dunns Lane & Church Road, Dordon/Polesworth, Dordon) Tree Preservation Order 2023

Hi Joseph,

Please find attached the 15th June letter from Jeff Brown, previously forwarded to Mark Sitch at Stantec.

My assumption is that , as you noted, the 12 week consultation period would be ending on the 7th

September (end of work day in terms of time).

If there is an issue in getting further info back to us before that time it may be something you can agree

or sort out between Jeff Brown and Clive Tobin (Borough Solicitor/ Head of Legal Services) ?

Hope that helps,

Regards,  
Mike Dittman  
Forward planning team  
North Warwickshire Borough Council  
Work Mobile - 07909213050

From: Joseph Cramphorn <joseph.cramphorn@savills.com>  
Sent: 16 August 2023 14:08  
To: Mike Dittman <MikeDittman@NorthWarks.gov.uk>  
Cc: Michael Davies <MPDavies@savills.com>  
Subject: RE: North Warwickshire Borough Council (H4 to the North of Dunns Lane & Church Road, Dordon/Polesworth, Dordon) Tree Preservation Order 2023

Caution: Warning external email

Mike

Thank you for forwarding the information below, and confirming receipt of the representations.

I have forwarded this to our arboricultural consultant to review in more detail.

Are you able to forward a copy of the Council's letter dated 15th June please?

Just to confirm, regarding the 12 week period referenced below, does this mean that the consultation deadline is therefore Wednesday 7th September? And therefore we have until this point to respond with any further information?

Kind regards

Joseph

Joseph Cramphorn  
Senior Planner  
Planning

Savills, 55 Colmore Row, Birmingham, B3 2AA

Tel  
: +44 (0) 12 1634 8417

Mobile



: +44 (0) 78 0799 9794

Email

: joseph.cramphorn@savills.com

Website

: www.savills.co.uk

From: Mike Dittman <MikeDittman@NorthWarks.gov.uk>  
Sent: 10 August 2023 18:21  
To: Joseph Cramphorn <joseph.cramphorn@savills.com>  
Subject: FW: North Warwickshire Borough Council (H4 to the North of Dunns Lane & Church Road, Dordon/Polesworth, Dordon) Tree Preservation Order 2023

Hi Joseph,

I received this email late June from the Borough Council's Principal Solicitor but am unsure if I had actually responded.

Sincere Apologies if I hadn't responded or confirmed the receipt of the Savills letter below regarding the two TPO notices for the H4 areas north and south of Dunns Lane respectively. Please accept this email as confirmation of receipt of the original representation.

As you will be aware from the earlier H4 meetings and initial responses to representations from agents and landowners affected by the TPO the Council extended the response period to 12 weeks from the date of the Council's 15th June Letter.

Also, in light of previous discussions and emails I have also attached the TEMPO's and Tree Inventory Reports for you and your client's information, just in case these were not forwarded when I originally sent these to Barton Willmore care of Mark Sitch for distribution. In light of the TEMPO's and Tree Inventory's being available for inspection would you be able to indicate or confirm whether the current representation (dated 19/06/23) from Savills still stands or whether further consideration is now appropriate , as indicated in a similar response

from Barton

Wilmore/Stantec, and that further consideration may mean change to or withdrawal of the representation and objection to the specific TPO's T11 - T17, T38 - T57 and group G1? (I have also attached your original e-mailed correspondence for reference thanks).

For information/clarification the TPO's noted above (TPO's T11 - T17, T38 - T57 and group G1) are given the following reference numbers in the two attached documents , i.e. the TEMPO's and Tree Inventory

Lists, thanks;

TPO Notice reference Number

Reference within TEMPO

Tree Inventory List Reference

(same)

T11

2F9T

2F9T

T12

2F9S

2F9S

T13

2F9D

2F9D

T14

2F9C

2F9C

T15

2F9G

2F9G

T16

2F9E

2F9E

T17

2F81

2F81

T38

2FAZ

2FAZ

T39

28GZ

28GZ

T40

2F9J

2F9J

T41

2F8H

2F8H

T42

2F8L

2F8L  
T43  
2F8G  
2F8G  
T44  
2F8E  
2F8E  
T45  
2F8D  
2F8D  
T46  
2F8B  
2F8B  
T47  
28N0  
28N0  
T48  
2F8A  
2F8A  
T49  
2F88  
2F88  
T50  
2F8P  
2F8P  
T51  
2F8R  
2F8R  
T52  
2F8V  
2F8V  
T53  
2F8U  
2F8U  
T54  
2F86  
2F86  
T55  
2F84  
2F84  
T56  
2F99  
2F99  
T57  
2F9A  
2F9A

G1  
2FQ8  
2FQ8

I look forward to hearing from you thanks.

**Agenda Item No 8**

**Planning and Development Board**

**6 November 2023**

**Report of the  
Head of Development Control**

**Appeal Update**

**1 Summary**

1.1 The report brings Members up to date with a recent appeal decisions.

<p><b>Recommendation to the Board</b></p> <p><b>That the report be noted.</b></p>
---

**2 Appeal Decision**

**Old Rail Farm, Hurley Common**

2.1 There were three Enforcement Appeals relating to land and buildings at this site. The Notices followed the refusals of planning permission. These were for the use of a building for a workshop for the maintenance of HGV's; the use of as building for stables, feed storage, offices, mess room, commercial horse-rug washing and dog grooming together with the stationing of two shepherd's huts for holiday accommodation. Members may recall that they visited the site at the time of dealing with the planning applications

2.2 All three Notices have been upheld by the Inspector, the deemed planning applications refused and the time periods for compliance have also been supported. The overriding issue in respect of all three cases was the inadequate access onto Hurley Common.

2.3 Officers will now monitor progress on whether or not the appellant complies with the requirements of the three Notices – these were to cease the HGV maintenance use and the other commercial uses as well as remove the huts.

... 2.4 The appeal decisions are attached together as Appendix A.

### **3 Report Implications**

#### **3.1 Environment, Sustainability and Health Implications**

- 3.1.1 These decisions all recognise the substance of Local Plan Policy LP29 as the access arrangements here were not shown to be safe or adequate.

The Contact Officer for this report is Jeff Brown (719310).



## Appeal Decision

Site visit made on 5 September 2023

**by Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 18 October 2023

### Appeal Ref: APP/R3705/C/22/3303742

#### Old Rail Farm, Hurley Common, Hurley CV9 2LS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is made by Mr Gary Robert Stibbs against an enforcement notice issued by North Warwickshire Borough Council.
- The notice was issued on 22 June 2022.
- The breach of planning control as alleged in the notice is:
  - (i) Without planning permission, the material change of use redundant buildings agricultural buildings, to a use as a workshop for the maintenance of Heavy Goods vehicles and agricultural vehicles shown BLUE within the land edged RED on the attached plans.
  - (ii) Without planning permission, the use of the hard standing area hatched BLACK within the land edged RED for the parking of HGV vehicles and the use of the land for an HGV operating business.
  - (iii) Without planning permission, the formation of hardstanding, shown hatched BLACK within the land edged RED on the attached plans.
- The requirements of the notice are to:
  - (i) Cease the use of the building, shown BLUE and hatched BLACK within the land edged RED for the maintenance and parking of HGV vehicles.
  - (ii) Remove from within the land edged RED and hatched BLACK and the building shown in BLUE, on the notice plan, all HGVs, all incidental plant, materials, and equipment associated with the maintenance of vehicles and the operation of an HGV business.
  - (iii) Remove from the land edged RED and hatched BLACK the hardstanding areas.
  - (iv) Reinstate the land edged RED and Hatched BLACK to its previous condition and levels.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

### Decision

1. It is directed that the enforcement notice is corrected by:
  - In section 5(i), after the word "building", insert the wording "and the land"
2. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

### The Enforcement Notice

3. Section 176(1) of the Act provides a wide-ranging power to correct or vary the terms of an enforcement notice provided that it would not result in injustice to the parties.

4. The insertion of the wording "and the land" into the requirements of section 5(i) of the notice reflects the breach of planning control which describes the change of use of the land for a HGV operating business.
5. Given the limited extent of the correction which aligns the requirements of the notice with the breach of planning control, I am satisfied that no injustice to the appellant or the Council would arise by me correcting the notice in terms I have set out in paragraph one above. I have therefore done so using the powers available to me under Section 176(1) of the Act.

#### **Appeal on ground (a)**

6. The ground of appeal is that planning permission should be granted for the change of use of the buildings and land to a use as a HGV business and formation of hardstanding.

#### Main issues

7. The main issues are:
  - i) Whether the development is inappropriate development in the Green Belt;
  - ii) The effect of the development on highway safety with regards to access; and
  - iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the developments.

#### Reasons

##### *Whether inappropriate development*

8. Policy LP3 of the North Warwickshire Local Plan 2021 (NWLP) relates to development in the Green Belt. Paragraph 150(b) and 150(d) of the National Planning Policy Framework (the Framework) states that engineering operations and the re-use of buildings (provided that the buildings are of permanent and substantial construction) are not inappropriate forms of development in the Green Belt provided they preserve its openness.
9. Both spatial and visual impacts form part of the concept of openness of the Green Belt. In spatial terms, the building has not been extended or altered and the building is of solid construction. The formation of hardstanding is dark in colour with minimal changes to the ground level. The appellant argues that the appearance of the site is similar to the previous agricultural use however, the type and size of vehicles such as grab lorries and beavertail plant lorries, associated with a heavy good vehicle (HGVs) operation is significantly different to vehicles associated with an agricultural use. The activities associated with a HGV use is also significantly different to an agricultural use with it being described that lorries typically leave in the morning and return in the afternoon.
10. The parking of HGVs on the hardstanding area, whilst predominantly only between the hours of 16:00 hours and 07:30 hours, and the frequent comings and goings of HGVs, are visually prominent from within the site as well as from

the surrounding area. In visual terms, the development has a greater impact on the openness of the Green Belt than the previous situation. The development does not preserve the openness of the Green Belt and is inappropriate development as described in paragraph 150 of the Framework.

11. The development described in the notice is inappropriate development in the Green Belt and as such conflicts with Policy LP3 of the NWLP and the Framework which seeks to safeguard the Green Belt from inappropriate development and impacts on openness.

#### *Highway safety*

12. The appeal site is accessed from a single vehicle width track, with some passing places, that leads to Hurley Common Road that has a 40 miles per hour (mph) speed limit. The single width track is also used to access a Severn Trent Water Facility, a Ministry of Defence shooting range and the properties of 31, 33 and 33a Hurley Common.
13. The site holds a HGV Operators Licence for 6 HGVs and the appellant indicates on this basis that the use of the site described in the notice could generate 20 HGV movements per day. Whilst this level of HGV traffic is similar to the level generated by Severn Trent, this is significantly increasing the overall amount of HGV traffic using the access lane and the junction with Hurley Common Road. There is no compelling evidence to suggest that an agricultural use at the site would generate this level of HGV movements. It is also unlikely that the farmhouse and the residential holiday lets<sup>1</sup> would result in significant levels of HGV traffic.
14. The parties disagree over the visibility splays required from the junction of the site access with Hurley Common Road. The Council consider a visibility splay of 120 metres is needed with the appellant implying 60 metres is required. Nevertheless, the appellant confirms that a visibility of only 45 metres can be achieved to the south of the junction. Average traffic flows and speeds along Hurley Common Road were surveyed indicating average speeds of between 33mph and 40mph. It does not seem uncommon for vehicles to be parked along Hurley Common Road, something I saw at my site visit, therefore requiring moving vehicles to sometimes travel on the opposite side of the road. Even with the average speeds being within the required speed limit, given the reduced visibility splay to the south by walls and fencing, and further obstacles in terms of parked vehicles on the road, as well as HGVs being generally slower moving to manoeuvre from a junction, I consider that the junction with Hurley Common Road to be unsuitable and hazardous for highway users, particularly as the development significantly increases the amount of HGVs using the junction.
15. There are passing places scattered along the access road however, there are minimal passing points immediately after the junction with Hurley Common Road. This section of the access road is single vehicle width and there would be occasions when two vehicles would meet each other on the access road. This would then require a vehicle to undertake an unusual manoeuvre by reversing back along the access which would be a hazardous procedure, particularly if it requires a HGV to reverse back out onto Hurley Common Road. Given the operations of the development, it is unlikely that there would be many

---

<sup>1</sup> Referenced consent PAP/2018/0232



pedestrians visiting the site. Nevertheless, should pedestrians wish to visit the site, due to the narrow width of the access road and lack of formal footpath, there would be conflict should vehicles wish to pass any pedestrians along the access.

16. I have had regard to the appellants statement of case including the Traffic Impact Note that details matters relating to traffic movements, highway safety, site access, road surface damage, safety audit and traffic generation. I also note that there have been no recorded personal injury accidents at the junction of the site access with Hurley Common Road in the last 23 years. These matters, however, do not outweigh the harm I have identified with regards to the increase in HGV traffic and the adverse effect this has on the access junction with Hurley Common Road.
17. Accordingly, the development harms highway safety with regards to the access. The development is contrary to Policy LP13 of the NWLP and the Framework which seeks development to not cause an unacceptable adverse impact to the safe and free movement of pedestrian, vehicular or other traffic.

#### *Other considerations*

18. The appellant describes that the HGV operating business assists with the diversification of the rural economy, employing six people and bringing benefits to the local economy and increasing the potential for local employment.

#### Conclusion

19. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. I have also found that the development has a harmful effect on highway safety.
20. Other considerations have been identified some of which can be described as benefits and given the scale of the development, I attribute minimal weight to these benefits. These benefits would not clearly outweigh the harm that I have identified above, particularly given the importance the government gives to the protection of the Green Belt as reflected in the Framework.
21. For the reasons outlined above, therefore, other considerations do not clearly outweigh the harm to the Green Belt and any other harm. Consequently, the very special circumstances needed to justify the development do not exist. The development is contrary to the relevant development plan policies and the Framework as a whole.
22. I therefore conclude that the appeal on ground (a) fails.

#### **Appeal on ground (g)**

23. Ground (g) is that the period for compliance with the notice falls short of what is reasonable. In the notice, the time to comply with the requirements is six months.
24. The appellant is seeking the time compliance to be changed to 12 months as the business supports a significant number of jobs and more time would be

needed to locate and secure new premises. There is a lack of convincing evidence identifying why six months is not enough time to find alternative premises. Nevertheless, the requirements are to cease the unauthorised use of the building and land, the removal of items and the reinstating of the land to its previous condition. In this respect, I consider a six month period to comply with these requirements does not fall short of what is reasonable.

25. The appeal on ground (g) therefore fails.

*Chris Baxter*

INSPECTOR



## Appeal Decisions

Site visit made on 5 September 2023

by **Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 18 October 2023

### Appeal Ref: APP/R3705/C/22/3305778

#### Old Rail Farm, Hurley Common, Hurley CV9 2LS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is made by Mr Gary Robert Stibbs against an enforcement notice issued by North Warwickshire Borough Council.
- The notice was issued on 28 July 2022.
- The breach of planning control as alleged in the notice is:
  - (i) Without planning permission, the change of use of the land, for the stationing of two shepherds huts for holiday accommodation, the positions[sic] of which are shown BLUE on the attached plan.
  - (ii) Without planning permission, the formation of associated walkway, parking area and formation of visitor car park for the existing permitted holiday lets, shown cross hatched BLACK on the attached plan. (A)
- The requirements of the notice are to:
  - (i) Cease the use of the Shepherds Huts for holiday rental/leisure purposes, shown BLUE within the land edged RED on the Notice plans.
  - (ii) Remove the Shepherds Huts shown Blue from the land edged RED including any associated utilities, fixtures, and fittings.
  - (iii) Remove from the land any hardstanding areas, to include the walkway and parking area within the land edged RED and hatched BLACK on the Notice plans.
  - (iv) Reinstate the land to its former condition and levels.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

#### Decision

1. It is directed that the enforcement notice is corrected by:
  - In section 5.(i), delete the words "rental/leisure purposes." and substitute with "accommodation."
2. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

#### The Enforcement Notice

3. Section 176(1) of the Act provides a wide-ranging power to correct or vary the terms of an enforcement notice provided that it would not result in injustice to the parties.
4. Replacing the words "rental/leisure purposes" with "accommodation" in the requirements of section 5.(i) of the notice, reflects the breach of planning control described in section 3.(i).

5. Given the limited extent of the correction which aligns the requirements of the notice with the breach of planning control, I am satisfied that no injustice to the appellant or the Council would arise by me correcting the notice in terms I have set out in paragraph one above. I have therefore done so using the powers available to me under Section 176(1) of the Act.

### **Appeal on ground (a)**

6. The ground of appeal is that planning permission should be granted for the change of use of land for the stationing of two shepherd huts for holiday accommodation and the formation of associated walkaway, parking area and formation of visitor car park.

### Main issues

7. The main issues are:
- i) Whether the development is inappropriate development in the Green Belt;
  - ii) The effect of the development on highway safety with regards to access; and
  - iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the developments.

### Reasons

#### *Whether inappropriate development*

8. Policy LP3 of the North Warwickshire Local Plan 2021 (NWLP) relates to development in the Green Belt. Paragraph 150(b) and 150(e) of the National Planning Policy Framework (the Framework) states that engineering operations and the material change in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate forms of development in the Green Belt provided they preserve its openness.
9. Holiday accommodation or tourism facilities are not specifically stated in paragraph 150(e) of the Framework. The material change of use of the land is not for outdoor recreational use and therefore the use as described in the notice is inappropriate development in the Green Belt.
10. Visual impacts form part of the concept of openness of the Green Belt. The formation of hardstanding is dark in colour with minimal changes to the ground level. The hardstanding areas given its colour is noticeable and a significant contrast from the green fields that surround these hardstanding areas. The hardstanding areas are prominent within the landscape and do not integrate well within the surrounding area. Along with the permanence of the hardstanding areas, the bulk form of the shepherd's hut, whilst only present for certain times of the year, do not preserve openness in the area. In visual terms, the hardstanding areas and the shepherd's huts do not preserve the openness of the Green Belt and is inappropriate development as described in paragraph 150 of the Framework.

11. The appellant refers to the areas of hardstanding associated with the agricultural use. The areas of hardstanding subject of the notice and identified specifically as being the hatched black areas on the notice plan are not comparable to the hardstanding next to the agricultural buildings given they are not in close proximity to each other.
12. The shepherd's huts are wheeled units that can be disconnected from the services with the intention that they are removed from site between 1 November and 31 March. The appellant consider that they fall under the definition of a caravan. Nevertheless, as discussed above, the hardstanding areas would be permanent and the shepherd's huts would be visible for some 7 months of the year, and they do not preserve the openness of the Green Belt.
13. The development described in the notice is inappropriate development in the Green Belt and as such conflicts with Policy LP3 of the NWLP and the Framework which seeks to safeguard the Green Belt from inappropriate development and impacts on openness.

#### *Highway safety*

14. The appeal site is accessed from a single vehicle width track, with some passing places, that leads to Hurley Common Road that has a 40 miles per hour (mph) speed limit. The single width track is also used to access a Severn Trent Water Facility, a Ministry of Defence shooting range and the properties of 31, 33 and 33a Hurley Common.
15. Visibility from the junction with the Hurley Common Road is restricted, particularly southbound, and I note that submitted data suggests average vehicle speeds along Hurley Common Road are within the speed limit. It has been indicated that the holiday accommodation would potentially generate two to four movements per day. Whilst the Council question the daily vehicle movements, given the scale and nature of the development, I am satisfied that vehicle movements would not be frequent.
16. The single vehicle width of the access road may lead to occasions with vehicles meeting unable to pass each other therefore requiring unusual manoeuvres on the access. There are passing places on the access road and given the type of vehicles associated with the holiday accommodation along with the limited amount of vehicle movements associated with the development, I consider the amount of times vehicles would meet on the access unable to pass each other would not be frequent. Should pedestrians wish to visit the site, due to the narrow width of the access road and lack of formal footpath, there could be conflict should vehicles wish to pass any pedestrians along the access. Given the type of development, I would expect these types of occasions to be low.
17. Due to scale and nature of the development and the low frequency of vehicle movements associated with the development, it would not severely harm the safety of highway users.
18. The development does not harm highway safety, particularly with regards to the access. It accords with Policy LP13 of the NWLP and the Framework which seeks development to not cause an unacceptable adverse impact to the safe and free movement of pedestrian, vehicular or other traffic.

#### *Other considerations*

19. The appellant describes that the holiday accommodation assists with the diversification of the rural economy, bringing benefits to the local economy and increasing the potential for local employment.

Conclusion

20. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
21. Other considerations have been identified some of which can be described as benefits and given the scale of the development, I attribute minimal weight to these benefits. I have also found that highway safety would not be harmed and I attribute neutral weight to this matter. These matters would not clearly outweigh the harm that I have identified above, particularly given the importance the government gives to the protection of the Green Belt as reflected in the Framework.
22. For the reasons outlined above, therefore, other considerations do not clearly outweigh the harm to the Green Belt and any other harm. Consequently, the very special circumstances needed to justify the development do not exist. The development is contrary to the relevant development plan policies and the Framework as a whole.
23. I therefore conclude that the appeal on ground (a) fails.

**Appeal on ground (g)**

24. Ground (g) is that the period for compliance with the notice falls short of what is reasonable. In the notice, the time to comply with the requirements is three months.
25. The appellant is seeking the time compliance to be changed to six months as three months is not sufficient period to organise alternative accommodation for any bookings that may have been made for the holiday accommodation. There is, however, a lack of convincing evidence identifying any future bookings for the holiday accommodation. I consider a three month period to comply with these requirements does not fall short of what is reasonable.
26. The appeal on ground (g) therefore fails.

*Chris Baxter*

INSPECTOR



## Appeal Decision

Site visit made on 5 September 2023

**by Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 18 October 2023

### Appeal Ref: APP/R3705/C/22/3305777

#### Old Rail Farm, Hurley Common, Hurley CV9 2LS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is made by Mr Gary Robert Stibbs against an enforcement notice issued by North Warwickshire Borough Council.
- The notice was issued on 28 July 2022.
- The breach of planning control as alleged in the notice is:
  - (i) Without planning permission, the change of use of a redundant agricultural building to stables, feed storage, office, mess room, commercial horse-rug washing, dog grooming and associated works. The building is shown in BLUE on the attached plan, within the land edged RED.
- The requirements of the notice are to:
  - (i) Cease the use of the building, shown BLUE, withing[sic] the area of land edged RED for horse rug washing, dog grooming and associated incidental office use.
  - (ii) Remove all associated utilities, fixtures, and fittings in connection with (1) above, from the land edged RED.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

### Decision

1. It is directed that the enforcement notice is corrected and varied by:
  - In section 3(i) insert the word "material" between the words "the" and "change".
  - In section 5(i) delete the letter "g" from the word withing.
2. Subject to the corrections and variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

### The Enforcement Notice

3. Section 176(1) of the Act provides a wide-ranging power to correct or vary the terms of an enforcement notice. In section 3(i) of the notice, I have added the word "material" to clarify the breach of planning control and in section 5(i), I have removed the letter "g" from the word withing for grammatical correctness. I am satisfied there is no injustice to either party in this regard.

### Appeal on ground (a)

4. The ground of appeal is that planning permission should be granted for the change of use of a redundant agricultural building to stables, feed storage,

office, mess room, commercial horse-rug washing, dog grooming and associated works.

#### Main issue

5. The main issue is the effect of the development on highway safety with regards to access.

#### Reasons

6. The appeal site is accessed from a track which is mostly single vehicle width, with some passing places, and leads to a junction with Hurley Common Road that has a 40 miles per hour speed limit. Along with the appeal site, the single width access track is used to access a Severn Trent Water Facility, a Ministry of Defence shooting range and the properties of 31, 33 and 33a Hurley Common.
7. The appellant indicates that the horse-rug washing business generates two vehicle movements on a Wednesday with the dog grooming business generating around 12 vehicle movements per day on a Friday and a Saturday. This equates to 26 vehicle movements a week which the appellant states would actually be an increase of 16 vehicle movements as 10 of the movements would be made anyway by the appellants daughter if the businesses were located off the site. The appellant further claims that the overall traffic generation to and from the site results in a reduction of 12 movements per week as 28 vehicle movements associated with external horse care would be removed.
8. There is a lack of compelling evidence before me which provides clear details of the exact traffic generation associated with the development. There is no breakdown on the type and size of vehicles that come to and from the site, or whether there are other vehicles such as delivery vehicles that visit the site. There is no clear information on those trips associated with external horse care and how this actually results in a reduction of vehicle movements from the site and also how much traffic generation resulted from the previous use as agriculture. Minimal evidence is provided on the business model of the operations at the site and whether there are expansion plans which could result in additional vehicle trips. From the evidence presented to me, I consider that the development subject of the notice does increase the number of vehicle trips to and from the site.
9. At the junction where the access road meets Hurley Common Road, the Council consider a visibility splay of 120 metres (m) is required with the appellant implying that a visibility of 65m is required. The appellant states that a visibility of 45m is provided to the south of the junction with visibility in excess of 120m to the north, although this appears to only relate to visibility from a heavy goods vehicle at the junction. I saw at my site visit vehicles parked along Hurley Common Road which further restricts visibility from the junction. Data submitted by the appellant suggests that average speeds along Hurley Common Road are within the speed limit and there have been no recorded personal injury collisions in the last 23 years. Nevertheless, the visibility from the junction is restricted by features such as walls, fencing and parked vehicles. The junction with Hurley Common Road is therefore unsuitable and detrimental to highway users given the restricted visibility and the increase in vehicle trips to and from the site.



10. The section of access road by the junction with Hurley Common Road is single vehicle width. There would be occasions where two vehicles would meet each other at this point. This would result in either vehicles having to wait on Hurley Common Road for another vehicle to exit the junction or require an unusual manoeuvre by reversing back along the access road possibly reversing back onto Hurley Common Road. This type of situation would be hazardous and harmful to the safety of highway users. Given the operations of the development, it is unlikely that there would be many pedestrians visiting the site. Nevertheless, should pedestrians wish to visit the site, due to the narrow width of the access road and lack of formal footpath, there would be conflict should vehicles wish to pass any pedestrians along the access.
11. The appellants statement of case includes documents such as the Traffic Impact Note and I have had regard to matters raised including on traffic movements and generation, site access, highway safety, safety audit, road surface damage and traffic surveys. These matters however do not alter my findings above and the harm to highway safety. My attention has also been drawn to residential holiday lets<sup>1</sup> at the appeal site, which could attract two to four vehicle trips a day. There is minimal information on these holiday lets including where they would be located and whether the vehicle trips associated with these holiday lets would be an addition to the vehicle trips associated with the development subject of this appeal.
12. The development does have a harmful effect on highway safety with regards to the access. The development is contrary to Policy LP13 of the North Warwickshire Local Plan 2021 and the National Planning Policy Framework (the Framework) which seeks development to not cause an unacceptable adverse impact to the safe and free movement of pedestrian, vehicular or other traffic.

#### Other matters

13. The development is the re-use of an existing building and is not inappropriate development in the Green Belt. It also assists with the diversification of the rural economy, creating jobs and supporting a prosperous economy. Given the size of the operations, I attribute minimal weight to these benefits.

#### Conclusion

14. The benefits described above do not outweigh the significant harm I have identified with regards to highway safety. The development conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
15. I therefore conclude that the appeal on ground (a) fails.

#### **Appeal on ground (g)**

16. Ground (g) is that the period for compliance with the notice falls short of what is reasonable. In the notice, the time to comply with the requirements is three months.
17. The appellant is seeking the time compliance to be changed to 12 months as more time is required in order to find alternative homes for the horses stabled in the building and for the other activities. The requirements of the notice do

---

<sup>1</sup> Referenced consent PAP/2018/0232

not require alternative homes to be found for horses. Given the extent of the work that would be needed to be undertaken to meet the requirements, I consider a three month period to comply does not fall short of what is reasonable.

18. The appeal on ground (g) therefore fails.

*Chris Baxter*

INSPECTOR