

8 DECEMBER 2003

NEW FOREST DISTRICT COUNCIL

APPEALS COMMITTEE

Minutes of a meeting of Appeals Committee held at Appletree Court, Lyndhurst on Monday, 8 December 2003.

- p Cllr K F Ault (Chairman)
- p Cllr L R Puttock (Vice-Chairman)

Councillors:

- p C Baker
- Miss P A Drake
- p Ms L C Ford
- p F R Harrison
- J M Hoy
- p Mrs M Humber
- p Mrs B M Maynard
- M J Molyneux
- G J Parkes

Councillors:

- p B M F Pemberton
- e J Penwarden
- p D J Russell
- p D N Scott
- p Mrs S I Snowden
- p M H Thierry
- p G M Walmsley
- A Weeks
- p Mrs B Vincent

Officers Attending:

P Brophy, Mrs A Caldwell, Miss J Debnam, M Hines, Miss J Mutlow, J Ward and B Wilson.

4. MINUTES (REPORT A).

RESOLVED:

That the minutes of the meeting held on 19 May 2003, having been circulated, be signed by the Chairman as a correct record.

5. DECLARATIONS OF INTEREST.

There were no declarations of interest made by any member in connection with an agenda item.

6. PUBLIC PARTICIPATION.

There were no issues raised during the public participation period.

7. OPERATING PROCEDURES (REPORT B).

Further to minute 18 of the meeting of the Appeals Panel held on 23 October 2003 the Committee reviewed their operating procedures. In particular, the question of whether the Panel needed to hold an organised site visit prior to determining an appeal against an objection to the making of a Tree Preservation Order; or whether members could form an adequate view about the amenity value of the trees by using photographs. In association with this question, the Committee considered whether the hearing needed to be held in the community affected and on a date agreed with the objector, as at present.

The Panel had before them a summary of the advice issued by the Office of the Deputy Prime Minister relating to the Town and Country Planning (Trees) Regulations 1999 on the way in which Local Planning Authorities may hear such objections. They were advised that the current procedures reflected the best practice commended in these guidelines.

In association with the report the Committee had before them digital photographs of the trees which have been the subject of the last six appeals held by Appeals Panels. The perspective from which each photograph had been taken was set out on an accompanying plan to indicate the views that may be gained of the public amenity value of the tree from various public viewpoints. The photographs were also displayed on a screen at the meeting.

Members concentrated the debate on the question of whether photographs could give an adequate impression of the amenity value of the tree. In addition, there was the question of whether members of the Panel making individual site visits, prior to the hearing, would find the process as effective as members attending an organised site visit at which the objectors and the officers had the opportunity to point out key features and relationships. Some members felt individual site visits would be adequate while others felt there was a danger they would not be able to gain access to the site in the same way as at present, and would not have the benefit of advice, in situ, while evaluating the issues they must subsequently take into account. There was some concern that, while the public amenity value of the tree could be established by using photographs and individual site visits, other issues, particularly relating to the relationship between the trees and buildings, would not. This had the potential to prejudice the case of the objectors. Members were mindful of recent appeals where such issues had been a key element in the thought process leading to a decision.

Councillors Scott and Thierry asked to receive information on the cost of holding an individual appeal on a Tree Preservation Order.

Having assessed carefully the arguments for and against the use of photographs and individual site visits by members it was

RESOLVED:

That the current procedures be not amended.

CHAIRMAN