

10 MAY 2001

NEW FOREST DISTRICT COUNCIL

APPEALS PANEL

Minutes of a meeting of an Appeals Panel held at Fordingbridge Town Council Offices, Fordingbridge on Thursday, 10 May 2001.

Councillors:

p K F Ault (Chairman)
p P H Cummings
p G N Locock

Councillors:

p S A Shepherd
p C A Wise

Also In Attendance:

Cllr M J Shand (Local Member)

Officers Attending:

Mrs L James, A Rogers, B Wilson, N Yeates

11. ELECTION OF CHAIRMAN.

RESOLVED:

That Cllr K F Ault be elected Chairman for the meeting.

12. MINUTES (REPORT A).

RESOLVED:

That the minutes of the Appeals Panel meeting held on 28 February 2001, having been circulated, be signed by the Chairman as a correct record.

13. DECLARATIONS OF INTEREST.

There were no declarations of interest in connection with any agenda item.

14. TREE PRESERVATION ORDER NUMBER 71/00 (REPORT B).

The Panel examined an objection to Tree Preservation Order 71/00 relating to land at 5 Penny's Lane, Fordingbridge and considered whether to confirm the Order.

Members had met on site immediately prior to the meeting in order to view the tree.

The Tree Preservation Order covered an Oak Tree, denoted T1 on the plan accompanying Report B, in the rear garden of 5 Pennys Lane, Fordingbridge. The property is owned by a Mr and Mrs A D Manston.

The Council's arboriculturist explained that the TPO was made following notification of extensive pruning of the tree. He estimated that the tree was approximately 150 years old, and he believed, prominent and visible. In answer to a Member's question, he estimated that the tree had at least 40 or 50 years life left. He understood that the work had been undertaken due to the owners concerns about branches overhanging the road, but felt that the pruning undertaken had been unduly severe. Nonetheless, despite its current stark appearance, it was anticipated that the tree would 're-clothe' itself in a few years.

The Panel noted from correspondence that Mr Manston had enquired whether there was a TPO on the tree before he had purchased the property. He stated that he had been told that there was no TPO on the tree. He then purchased the property and was annoyed to find a TPO was made after he carried out works on the tree. Mr Manston felt the TPO was unnecessary as he had no intention of felling the tree. He had formulated a 5 to 10 year plan with a local tree surgeon, to reduce the tree's overall size without destroying it. Mr Manston wished to be left to manage and care for the tree as he saw fit.

A Member of the public, Mr Duffett, indicated his wish to speak and the Chairman invited him to do so. Mr Duffett explained that he was the uncle of the objector, Mr Manston. He did not speak in support or against the Order, but only wished to point out that Mr Manston did not intend to fell the tree.

Members asked a number of questions of the Tree Officer.

The Council's legal representative set out the legal position. Members were advised that their primary consideration was whether in its present condition it was expedient in the interests of amenity to confirm the Tree Preservation Order.

Having carefully weighed all the arguments and inspected the tree, Members accepted the amenity value of the tree, and agreed to confirm the Order.

As a general point, Members asked that if objectors made statements in writing about the matter, the Officers should deal with these in their report, to include all documents, and comment on whether they feel any such statements were relevant or correct.

Members also felt that there might be some benefit if the Council's policies and procedures governing of the making of TPOs were reviewed by the relevant Review Panel. Officers undertook to pursue the matter.

RESOLVED:

That Tree Preservation Order 71/00 be confirmed without amendment to include the oak tree denoted T1.

CHAIRMAN