

**12 NOVEMBER 2002**  
**NEW FOREST DISTRICT COUNCIL**  
**APPEALS PANEL**

Minutes of a meeting of Appeals Panel held at Appletree Court, Lyndhurst on Tuesday, 12 November 2002.

**Councillors:**

p K F Ault  
p Mrs L C Ford

**Councillors:**

p Mrs M D Holding  
p Mrs M Humber BA  
p Mrs B Maynard

**Officers Attending:**

D Cashman, Mrs L James, A Rogers

**Also Present:**

Mr and Mrs L Hayter (Objectors)

**10. ELECTION OF CHAIRMAN.**

**RESOLVED:**

That Cllr Ault be elected Chairman for the meeting.

**11. MINUTES (REPORT A).**

**RESOLVED:**

That the minutes of the meeting of the Appeals Panel held on 23 October 2002 , having been circulated, be signed by the Chairman as a correct record.

**12. DECLARATIONS OF INTEREST.**

Cllr Mrs Holding declared a general interest as Local Member for the area, but did not consider that she had a personal interest within the meaning of the Code of Conduct.

**13. PUBLIC PARTICIPATION.**

There were no issues raised during the public participation period.

**14. TREE PRESERVATION ORDER 48/02 (REPORT B).**

The Panel examined an objection to Tree Preservation Order (TPO) 48/02 relating to land at Hayters Garage, Brookley Road, Brockenhurst.

Immediately prior to the meeting, a site visit was attended by members of the Panel, in order to view the trees covered by the Order.

The TPO had been made on 16 May 2002 and protected a group of 3 Ash trees identified as G1 on the Order extract and plan attached to Report B as Appendix 1.

A letter of objection had been received from Barrell Treecare dated 5 June 2002, under instruction by Williams Lester Architects and on behalf of Mr and Mrs Hayter, the owners of the land. The Panel noted that Mr and Mrs Hayter's objection only related to one tree in the group, which was identified in the objection letter as Tree 1, which was the furthest from Brookley Road.

The Council's legal representative outlined the legal framework governing TPO's and objections to them.

Mr Hayter referred to the letter from Barrell Treecare which set out the reasons for the objection. In addition, he felt the tree was causing an obstruction, was in danger of dropping its branches on cars, and he pointed that should it ever be removed, it would be replaced.

The Council's Arboriculturist set out the case for preservation. Mr Cashman explained that the tree had been designated as part of a group, because of the way in which the trees were orientated in a line and how they related to each other. He felt the removal of this one tree would be to the detriment of the Group. He felt it was a positive feature and public amenity, which was clearly visible from various viewpoints. Mr Cashman estimated that the tree was approximately 30 to 40 years old, and had approximately another 20 years of life left. He noted the reference to the accumulation of dead wood in the tree, and pointed out this could be removed without a Tree Work Application, and there was scope to remove the lower branches and ivy stems. In answer to a Member's question, Mr Cashman explained that although the surrounding tree roots were inhibited by the concrete surface of the car park, this did not limit the growth of the tree, but did slow activity. He emphasised the tree was not dying. Appropriate work could be carried out on the tree to improve its aesthetic value and avoid any potential danger to users of the site, as well as cars parked there.

Mr Hayter, the objector, and Mr Cashman, the Council's Arboriculturist, were asked to summarise the cases that they had presented. The Chairman then closed the meeting and the Panel made its deliberations. Everyone was invited to remain present.

The Panel concluded that the tree was an integral part of the designated group G1, and the majority of Members felt its removal would be of detriment to the overall canopy of the tree group. The Panel therefore felt the trees were worthy of protection, and could be at risk of removal in the future.

Accordingly, having carefully considered all the evidence given, the Panel agreed to confirm the Order without amendment.

**RESOLVED:**

That Tree Preservation Order 48/02 be confirmed without amendment.

CHAIRMAN