

**OBJECTION TO TREE PRESERVATION ORDER NO. 22/03
LAND BETWEEN 25 LITTLE DENE COPSE AND DENESIDE CLOSE,
LYMINGTON**

REPORT OF COUNCIL TREE OFFICER

1. TREE PRESERVATION ORDER HISTORY

- # 1.1 Tree Preservation Order (TPO) No. 22/03 was made on 21 February 2003. The TPO plan and first schedule are attached as Appendix 1. The Order comprises one Oak tree identified as T1 and a group of 1 Poplar and 12 Pine trees, G1 on land to the west of 25 Little Dene Copse, Pennington.
- 1.2 This TPO was made following submission of a detailed planning application for housing development on the land where the trees grow. Since the Council's Tree Officer considers the trees provide a special amenity, they are therefore worthy of protection. In addition, the land upon which the trees grow is designated public open space (existing) in the Adopted Local Plan. Policy DW-R1 applies.

2. OBJECTION

- # 2.1 Following service of the TPO, three letters of objection were received from the residents of 25 and 26 Little Dene Copse and from B Miller Contractors of 1 Cabot Way, New Milton. (Appendix 2)
- 2.2 Between the three letters, there are several different grounds of objection. Whilst some relate to the amenity value of the trees, other grounds are concerned with the principals of development and public open space designation. Having acknowledged the objectors letters, the Council's Tree Officer considers that the unusual circumstances of the nature of some of the grounds of objection, the trees growing on designated public open space and the potential time it could take negotiating each objectors concerns, the objectors right of objection would be best served by placing the matter before the Appeals Panel, without further preliminary negotiations.

3. THE TREES

- 3.1 Altogether the trees included within TPO 22/03 comprise part of a linear strip of trees making a significant screen and amenity feature between development at Deneside Copse and Little Dene Copse. The trees are all young and have many years safe life expectancy. They are readily visible to the public and the premature loss of a significant number of these trees at this time would therefore be detrimental to the appearance of the local environment.

4. FINANCIAL IMPLICATIONS

- 4.1 If TPO 22/03 is confirmed, there will be the cost of administering the service of the confirmed TPO and any subsequent tree work applications.

- 4.2 If TPO 22/03 is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.

5. ENVIRONMENTAL IMPLICATIONS

- 5.1 Extensive or uncontrolled cutting or the premature removal of these trees and the lack of controls to plant suitable replacements with a similar large growing species will be detrimental to the appearance of the area.

6. CRIME AND DISORDER IMPLICATIONS

- 6.1 There are no crime and disorder implications arising from this report.

7. OTHER IMPLICATIONS

- 7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by law (Town and Country Planning Act 1990) and by the general principles of international law.
- 7.2 In so far as the trees are on or serve private residential property the making or confirmation of a Tree Preservation Order could interfere with the right of a person to respect for his family life and his home but is capable of justification as being in accordance with the law and necessary in a democratic society for the protection of the rights and freedoms of others (Article 8).

8. RECOMMENDATION

- 8.1 It is therefore recommended that TPO 22/03 is confirmed without amendment to include all the trees for the amenity value they provide to the area.

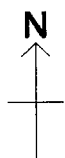
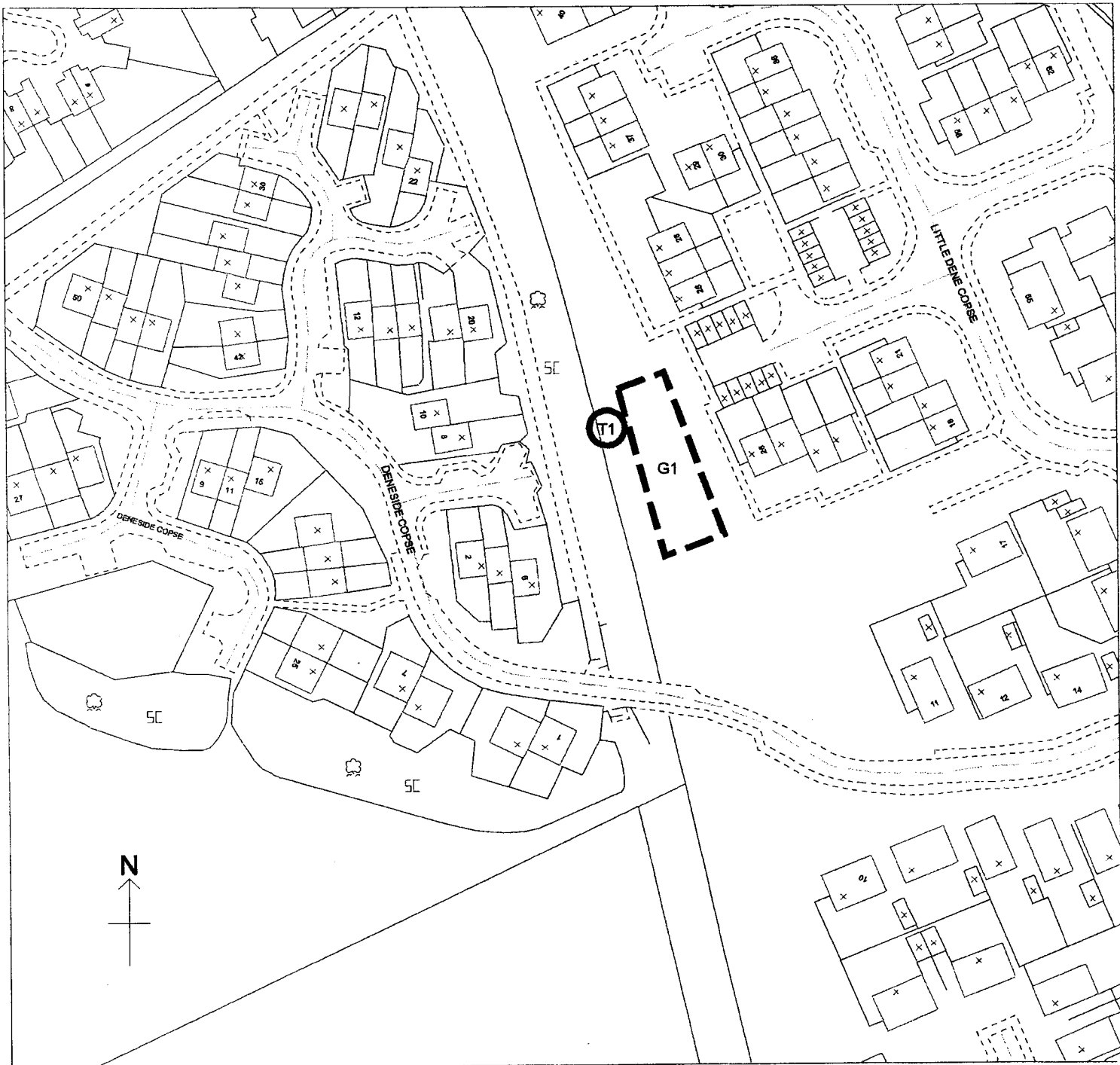
Further Information:

Bryan Wilson
Tree Team Leader

Telephone: 02380 285327

Background Papers:

Tree Preservation Order No. 22/03



Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 22/03
 Approximate Scale: 1250
 Date Printed: 20/02/03

W John Ward BSc, MCD, MBA, MRTPI, MIMgt
 Head of Policy, Design & Information
 Community Services Directorate
 Appletree Court
 Lyndhurst
 SO43 7PA

Key

- Individual Trees Covered by TPO
- Area of Trees Covered by TPO
- Groups of Trees Covered by TPO
- Woodland of Trees Covered by TPO
- Trees Noted but not Worthy of Preservation



New Forest
 DISTRICT COUNCIL

[Signature]
 AN AUTHORISED SIGNATORY

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SCHEDULE 1

TPO:

22/03

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

No. on Map	Description	Situation
T 1	Oak	Approximately 25m west of north western corner of rear garden of 25 Little Dene Copse, Lymington

Trees specified by reference to an area:

(within a dotted black line on the map)

No. on Map	Description	Situation
None		

Groups of Trees

(within a broken black line on the map)

No. on Map	Description	Situation
G 1	12 x Pine, 1 x Poplar	Linearly arranged group approximately parallel to, and on west side of, 25 Little Dene Copse and the garages at the rear.

Woodlands

(within a continuous black line on the map)

No. on Map	Description	Situation
None		

Mr and Mrs B Cook
26 Little Dene Copse
Pennington
Lymington
Hants.
SO41 8EW.

My ref: DWC/vmw/TPO 22/03

Your ref:

25 March 2003

Dear Mr and Mrs Cook

**TREE PRESERVATION ORDER(TPO) 22/03
LAND BETWEEN 25 LITTLE DENE COPSE AND DENESIDE CLOSE, PENNINGTON,
LYMINGTON
OBJECTION TO THE TREE PRESERVATION ORDER**

Thank you for your letter of 25 February 2003 and I note that you object to the inclusion of some or all of the trees growing on land beside 25 Little Dene Copse and Deneside Close, being included within Tree Preservation Order 22/03. In line with the Council's policy in this matter, I will arrange for your objection to be heard by the Council's Appeal Panel, comprising elected Council Members and you will shortly be receiving further details and information about this process.

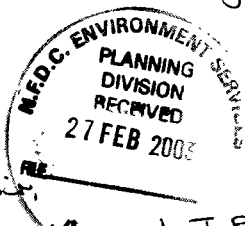
In the meantime if you wish to discuss this matter further please do not hesitate to contact me or my colleague, Mr Wilson, at this office.

Yours sincerely



D Cashman
Arboriculturist

Tel: (023) 8028 5329
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk



Ex Director 26 Little Lane Copse
Pennington
Lyminster
Hants
SO41 8EW
25/2/03

Dear Sir,

Re: Opposition to T.P.C. 22/03 on

12 Pine trees (1 Popular).

Subject to the phone conversation on the 24/2/03 we are putting our objections in writing.

My Husband has 35+ years and I have 7yrs in growing trees. We understand the problems of Pine trees.

The Pines in question have been planted too close together to make beautiful trees. As a result they are woody and spindley and are subjected to children climbing

them and breaking the brittle branches.

The children have started small fires (which could develop into something much bigger). As well as accumulating other rubbish in and around the trees.

Going back to the trees they will become top heavy and being shallow rooted and living on land which becomes waterlogged during the winter. This could result in uprooting in strong winds. If not by the children climbing them (no one can stop children being children, you just get a lot of abuse from them).

The
find
parcel
for h
plan
area

Mrs D R Bartlett
25 Little Dene Copse
Lymington
Hants.
SO41 8EW.

My ref: DWC/vmw/TPO 22/03
Your ref:

25 March 2003

Dear Mrs Bartlett

**TREE PRESERVATION ORDER(TPO) 22/03
LAND BETWEEN 25 LITTLE DENE COPSE AND DENESIDE CLOSE, PENNINGTON,
LYMINGTON
OBJECTION TO THE TREE PRESERVATION ORDER**

Thank you for your letter of 17 March 2003 and I note that you object to the inclusion of some or all of the trees growing on land beside 25 Little Dene Copse and Deneside Close, being included within Tree Preservation Order 22/03. In line with the Council's policy in this matter, I will arrange for your objection to be heard by the Council's Appeal Panel, comprising elected Council Members and you will shortly be receiving further details and information about this process.

In the meantime if you wish to discuss this matter further please do not hesitate to contact me or my colleague, Mr Wilson, at this office.

Yours sincerely



D Cashman
Arboriculturist

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Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk

17th March 2003

MRS. D. R. BARTLETT
25 LITTLE DENE COPSE
~~LYMINGTON~~
LYMINGTON
HANTS. SO41 8EW
TEL: (0590) 676833

JH.

Your Ref: DBC/mac/TP
22/03

Head of Legal & Democratic Services
New Forest District Council
Lyndhurst

Dear Sir,

re: Land adjoining above address.

Thank you for your communication of the 21st instant

Herein I am objecting to the Tree Preservation Order on the grounds that between the time of purchasing this property, when the pine trees were immature and the recent planning application, I believe it would have been within my rights to prune or cut these trees down without council permission. This T.P.O. appears to have removed my rights without prior consultation.

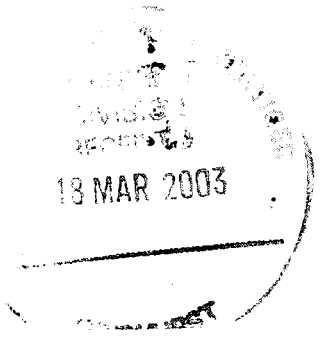
These trees, which are not particularly pleasing in appearance, effectively increases the width of the copse and reduces the area of private garden land for my use and they are now considerably higher than the copse itself, and create a large amount of shading as well as being a considerable nuisance in the shedding of needles and cones.

It appears also that the Council showed no concern regarding the copse or the public open space when permission was given for the development of Deneside, yet now you wish to prevent me from cutting down trees on my own land which were planted by a previous owner.

I would emphasise that if these trees were to be cut down, the original copse would still provide plenty of screening between my property and Deneside Estate.

Yours faithfully,

[Handwritten signature]



Mr B Miller
B Miller Contractors
1 Cabot Way
New Milton
Hants.
BH25 5NP

My ref: DWC/vmw/TPO 22/03

Your ref:

25 March 2003

Dear Mr Miller

**TREE PRESERVATION ORDER(TPO) 22/03
LAND BETWEEN 25 LITTLE DENE COPSE AND DENESIDE CLOSE, PENNINGTON,
LYMINGTON
OBJECTION TO THE TREE PRESERVATION ORDER**

Thank you for your letter of 15 March 2003 and I note that you object to the inclusion of some or all of the trees growing on land beside 25 Little Dene Copse and Deneside Close, being included within Tree Preservation Order 22/03. In line with the Council's policy in this matter, I will arrange for your objection to be heard by the Council's Appeal Panel, comprising elected Council Members and you will shortly be receiving further details and information about this process.

In the meantime, if you wish to discuss this matter further, please do not hesitate to contact me or my colleague, Mr Wilson, at this office.

Yours sincerely



D Cashman
Arboriculturist

Tel: (023) 8028 5329
Fax: (023) 8028 5223
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B. MILLER CONTRACTORS

Tel : New Milton (01425) 614051

1 CABOT WAY
New Milton
Hants
BH25 5NP



VAT Reg. No
189 696089



Mr Cashman.
The Tree Team.
New Forest District Council,
Appletree Court,
Lyndhurst,
Hampshire.
SO43 7PA.



15th March 2003.

RE; T.P.O. 22/03 Land Between 25 Little Dene Copse and Deneside Close.

I wish to register an objection to the T.P.O. No 22/03 regarding the group of trees G1.

Unlike the Oak (T1), which appears original and therefore an established part of the Copse and to which I have no objection to this being preserved, the Pines (G1) seem to be a species alien to the area.

These pine trees I understand were planted since completion of the Development and have now grown to a height above the original copse of Oaks and Mature Scrub to dominate this section in a manner to be considered detrimental to the area.

I can see no justification for this T.P.O. G1 which appears to be a hasty and ill conceived reaction to prevent a modest development proposal which merits approval as it complies to Government Guidelines for making better use of land in built up areas for much needed housing.

Yours faithfully,


B. Miller.