

**8 AUGUST 2003**

**NEW FOREST DISTRICT COUNCIL**

**APPEALS PANEL**

Minutes of a meeting of Appeals Panel held at Town Hall, Lymington on Friday, 8 August 2003.

**Councillors:**

p K F Ault  
p Mrs L C Ford  
p Mrs B Maynard

**Councillors:**

p L R Puttock  
p Dr M N Whitehead

**In Attendance:**

**Councillor:**

Mrs M Humber (Local Member)

**Officers Attending:**

Miss J Debnam, Miss J Mutlow and B Wilson.

**Also Present:**

Mr B Miller (Objector), Mr M Wilson (Spokesman for the supporters to the Order) and Mr M Thorpe (Lymington and Pennington Town Council), together with 20 local residents.

**5. ELECTION OF CHAIRMAN.**

**RESOLVED:**

That Cllr Ault be elected Chairman for the meeting.

**6. DECLARATIONS OF INTEREST.**

There were no declarations of interest made on any agenda item.

**7. TREE PRESERVATION ORDER 22/03 (REPORT B).**

The Panel considered an objection to the making of Tree Preservation Order 22/03 which related to land between 25 Little Dene Copse and Deneside Close, Lymington.

The meeting had been preceded by a visit to the site to allow members of the Panel to establish the extent of the trees covered by the Tree Preservation Order, to identify the trees to which an objection had been made, and to form a view about the health of the trees and their amenity value. The trees in question were a row of pines which had been planted adjacent to a pre existing copse on the land.

The Council's Solicitor explained the role of the Panel in considering whether a tree should be subject to a Tree Preservation Order. The issues that might be taken into account were strictly limited by statute and related to the amenity value of the tree. Guidance was given on what should be taken into account in considering amenity value.

Mr Miller objected to the inclusion of the 12 pine trees which ran along the boundary of 25 Little Dene Copse. He felt that they added little amenity value, being a late addition to the landscape of the area, and indeed could be construed as prejudicing the welfare of the deciduous trees beyond. He wished to remove the pine trees but to retain the copse. There were no questions from the Council's Arboriculturist.

In answer to a question from a member of the Panel, Mr Miller confirmed that there was no intention to do any further works to the copse, apart from removing the 12 pine trees.

The Council's Arboriculturist made the case for retaining the trees. Part of the copse and row of pine trees were on land which was owned and managed by Lymington and Pennington Town Council as public open space. It was not good practice to impose a Tree Preservation Order on land which was within public ownership and management and on this basis only a limited area of the copse, that on privately owned land, had been made subject to a Tree Preservation Order. The protected trees should however be viewed within the general continuity of the copse, of which they formed an integral part.

The trees were on land through which there was public access and they were therefore clearly visible to the wider community. The trees were young, healthy and in very good condition. They had a life expectancy of many years before them.

In answer to a question from Mr Miller, the Council's Arboriculturist confirmed that it was likely that the pine trees had been planted at a later date than the original copse. Members of the Panel were advised that this was not relevant to the case before them. The only issue to be considered was the amenity value of the trees. The Council's Arboriculturist confirmed that the life expectancy of the trees was probably in excess of 100 years.

On behalf of the supporters to the confirmation of the Order, Mr Mike Wilson spoke of the history of the trees which included the planting of the pine trees as a requirement of the planning consent for the construction of the development. They had been required in order to maintain privacy between developments and were therefore of intrinsic amenity value. They provided an acoustic barrier, a visual screen and a wind break. The loss of 12 trees from the line of pines would create a discordant note in the overall look of the copse and considerably reduce its amenity value to local residents.

A local ward Councillor, Cllr Humber, emphasised the amenity value of the trees which she considered should be preserved. They were an important element in the landscape screen, providing a visual barrier between housing developments. The trees had a long projected life span and should be retained for future generations.

On behalf of the Lymington and Pennington Town Council, Mr Thorpe emphasised the Town Council's belief that the trees should be retained in view of the amenity value that they provided.

In summing up, the Council's Arboriculturist referred to the strong amenity value of the trees which had been observed during inspection of them.

In summing up, Mr Miller wished to add no further information.

The Chairman then closed the hearing. All those present were invited to remain while the Panel determined the objection.

Members considered that the trees did have a strong amenity value from the visual screen they provided, through being an acoustic barrier and wind break, and also providing a significant visual feature. On this basis it was

**RESOLVED:**

That Tree Preservation Order 22/03 be confirmed without amendment.

CHAIRMAN