

**Tree Preservation Order: TPO/0003/25**

<b>Site:</b>	Land at 1 Burley Close, Barton on Sea, New Milton
<b>Development:</b>	Tree Preservation Order
<b>Case Officer:</b>	Barry Rivers
<b>Officer Recommendation:</b>	Confirm Tree Preservation Order
<b>Reason for Referral to Committee:</b>	Objections received that remain unsolved.

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**1 SUMMARY OF THE MAIN ISSUES**

The key issues are:

1. The public amenity value of the tree and its value to the wider community
2. The expediency to protect this tree

**2 TREE PRESERVATION ORDER HISTORY**

The subject pine tree is situated to the northern extent of a domestic dwelling, located in the front garden.

The pine was planted as a replacement tree in accordance with a condition, following an application to remove the previous pine tree subject to a Tree Preservation Order - T36 of TPO/10/89, (Appendix 1.)

The Order was made in response to an enquiry from the owners of the property wishing to remove the replacement tree and the lack of ongoing protection afforded to it by the previous replacement planting condition having lapsed. The condition only affords protection for a period of 5 years at which time the authority is required to either vary the original order to include the tree or make a new order to provide for continued protection.

A Tree Preservation Order (TPO) was made on 17 January 2025. (Appendix 2.) The owner of the tree and neighbours of the property put in writing their objections to the Order.

**3 THE TREE**

The TPO covers a single individual pine tree. The tree is visible, in its entirety, from the public highway within the residential development.

**4 POLICIES**

**Relevant Legislation**

Town and Country Planning (Tree Preservation) (England) Regulations 2012

**Local Plan Part One:**

Policy ENV4 – Landscape Character and Quality

**5 PLANNING HISTORY**

Tree Work Application TPO/12/0370

**6 PARISH / TOWN COUNCIL COMMENTS**

No comments submitted

**7 COUNCILLOR COMMENTS**

No comments received

**8 CONSULTEE COMMENTS**

No comments received

**9 REPRESENTATIONS RECEIVED**

There are five letters of objection received to the Order from 1, 2, 6 7 & 9 Burley Close and one with an unknown address. The representations are summarised below:

- Species type and ultimate size exceeding 25 metres and not appropriate for the confined location in which it is growing. Potential for the tree to become overbearing.
- The risk of damage to adjacent buildings, highway and services/utilities.
- Health and safety concerns, increased risk of failure with the changing climate leading to increased winds and precipitation.
- Implications for house insurance and liability to third parties.
- Inconvenience and increased burden on tree owner and neighbours for the ongoing maintenance due to the adverse impacts of falling needles, cones and shade affecting the use of garden areas and dwellings.
- Removal and replacement now would be more cost effective before problems arise.
- The requirement for a formal process to work on the tree using certified specialists will be beyond current affordability.

**10 CONSIDERATION OF THE GROUNDS FOR OBJECTION**

- The pine tree concerned was planted as a replacement tree in accordance with tree works consent to fell a former tree on the site. This was to ensure that any loss of amenity through the removal of trees was mitigated for future generations and to preserve the character of the area. Monterey Pines are a characteristic of the local area, occupying the former caravan site which existed before this residential development was built. They thrive in coastal areas due to their suitability and tolerance of the maritime environment and are fast growing achieving very large proportions. They can be prone to the failure of the extended lateral branches when they reach maturity. The replacement pine tree, being a different species will not reach the same

ultimate proportions as the tree that was removed and therefore is unlikely to present the same issue, with less overall negative impact in the long term.

- There is no evidence to suggest that this tree will present a significant foreseeable risk of damage to adjacent properties or infrastructure.
- The overall risk of the tree in terms of health a safety would not be considered unacceptable. Its condition could be monitored as it grows which would be considered as reasonable routine arboricultural management.
- Although removing the tree now and replacing it would cost less if compared to the projected cost of removal of a larger tree at maturity, at this stage the tree does not require removal for any specific reason. It is not certain at what point in the future the tree may require removal but at present the tree is in good overall physical and structural condition with a significant retention span and will provide an increasing good level of visual amenity.
- Formative pruning whilst the tree is young and developing, to maintain adequate clearance over the road and garden areas to allow for access and general garden maintenance and separation from dwellings would be fairly simple, not overly costly and is considered reasonable routine management. It is unlikely the crown will extend significantly over the dwellings in the near future or to grow at such a rate so as to incur an ongoing unmanageable pruning burden on the owners or neighbours.
- Although trees do shed debris like leaves needles, seeds and cones, and provide shade it is unlikely the tree will cause an unmanageable or unacceptable burden beyond what would be considered general routine garden maintenance. The position of the tree sitting to the north of the dwelling means the property and front garden area would not experience significant shading by the tree so as to restrict planting or diminish the overall enjoyment of the property by the occupants. Shade can be considered a beneficial ecosystem service in terms of regulating the climate and reducing the urban heat island effect.
- The imposition of a TPO on a tree should not prevent an owner, or neighbour carrying out reasonable routine management of the tree. There is no financial charge made by New Forest District Council in the processing of tree work applications.

## **11 CONCLUSION**

A local planning authority may only make a Tree Preservation Order where it appears to the authority that it is expedient to protect a tree or woodland in the interests of amenity.

This pine tree provides a positive contribution to the amenity of the area. The tree was planted as a replacement tree in accordance with a condition following the removal of a previously protected Pine tree, to mitigate any loss of amenity incurred. The condition only affords protection for a period of 5 years at which time the authority is required to either vary the original order to include the tree or make a new order to provide for continued protection. The tree is in good condition and has a potentially long retention span. Therefore, in the interest of public amenity it is expedient to confirm this Tree Preservation Order.

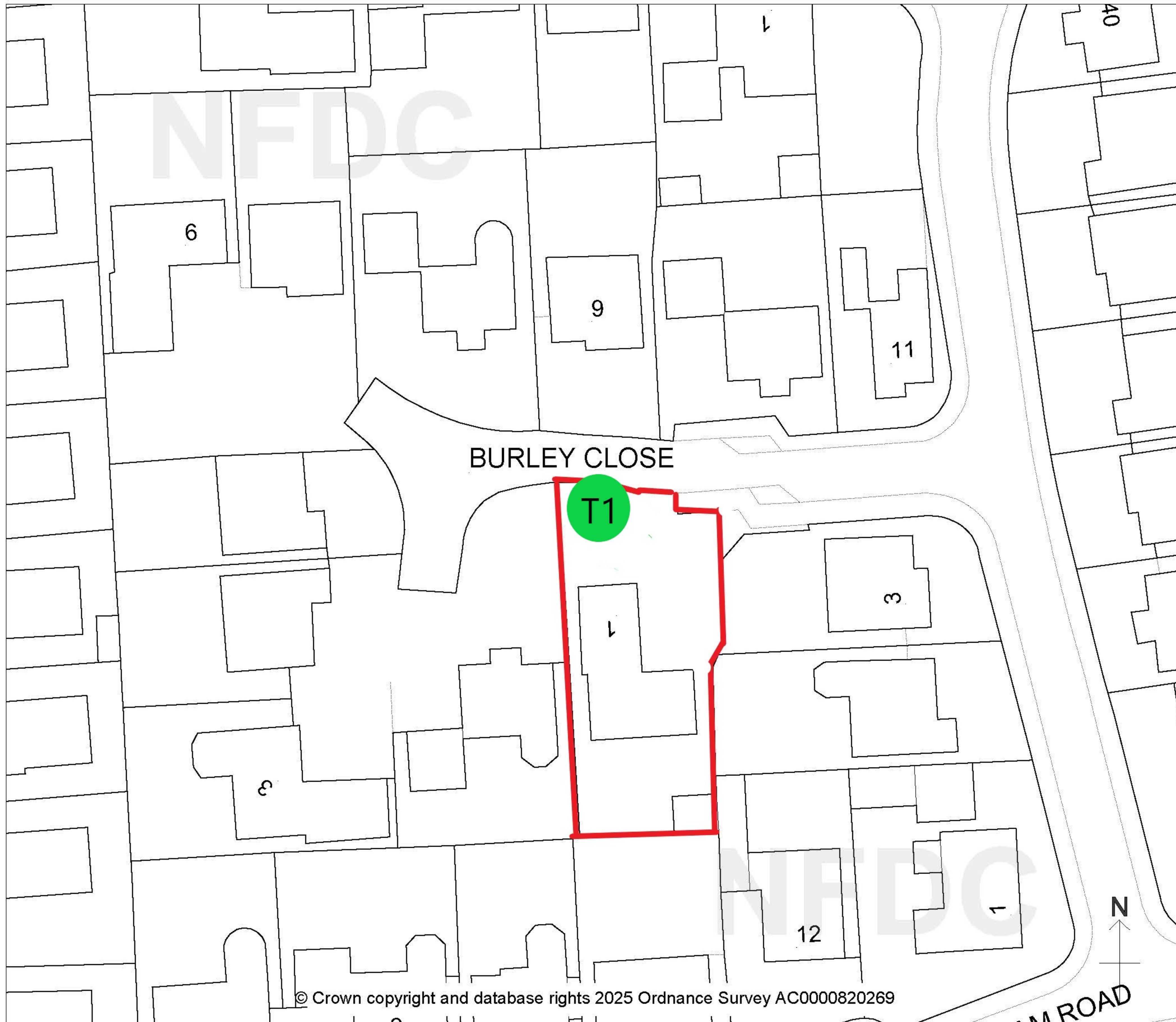
## **12 RECOMMENDATION**

### **CONFIRM THE TREE PRESERVATION ORDER**

#### **Further information**

**Barry Rivers  
Tree Officer (Planning)**

**023 8028 5629**



# New Forest DISTRICT COUNCIL

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## PLANNING COMMITTEE

June 2025

Land at 1 Burley Close  
Barton on Sea

TPO/0003/25

Scale 1:500

N.B. If printing this plan from  
the internet, it will not be to  
scale.