



Applicant:
Karen Mason

Ref. No. DMOT/2021/1529
Made valid on: 21 September 2021

DECISION NOTICE

Description and location of proposal: The felling of ash tree covered by South Derbyshire District Council Tree Preservation Order no. 298 on Land to the rear of 42 Church Road, Egginton, Derby

Decision made: In exercise of its powers as the Local Planning Authority under the Town and Country Planning Act 1990 and related subordinate legislation, South Derbyshire District Council hereby gives notice that consent for the proposal as described above is hereby **Refused for the following reason(s)**:

1. This ash tree is a prominent landscape feature and makes a positive contribution to the visual amenity of the area. Policies BNE4 of the Local Plan Part 1 and BNE7 of the Local Plan Part 2 seeks to preserve trees of notable standing in the local landscape unless the reasons for work (felling in this instance) can be properly substantiated; in short, a TPO tree should only be removed in exceptional circumstances. The lack of proper substantiated evidence (in the form of a drains survey or similar) here is a significant concern, thus to allow its removal without such evidence, would undermine the principle of the TPO and put other similar trees unnecessarily at risk. To that end, the application is contrary to the provisions of those current policies and the National Planning Policy Framework (NPPF) and its supporting guidance which acknowledges the environmental benefit of trees and the need for appropriate justification for works to protected trees. It should be noted that other concerns raised here – i.e. growing close to/conflict with immediate built forms, limbs dropping etc. could be reduced if the works allowed under DMOT/2020/1164 (and still extant) were carried out.

You are advised of the following matters:

Enquiries: Any correspondence or enquiries concerning this decision should be sent to planning@southderbyshire.gov.uk quoting the above reference number.

Steffan Saunders

Authorised Officer of the Council

Date: 3 December 2021