Delegated report Officer: Julie Marson

Application ref. DMOT/2026/0265

The pruning of a bush at 20 Main Street, Ticknall, Derby, DE73 7JZ

Valid date:	30/04/2026
Consults expired:	10/06/2026
EIA development?	No
Section 106 agreement?	Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2011/0226 The felling of salix caprea (goat willow) - No objections 6.5.2011

9/2016/0337 The felling of a conifer leylandi tree - No objection 17.11.2016

Responses to consultations and publicity

Tree Officer - Recommends consent for the works.

Relevant policy, guidance and/or legislation

Local Plan Part 1 (LP1): BNE4, BNE3
Local Plan Part 2 (LP2): BNE7

The relevant local guidance is:
Ticknall Conservation Area Character Statement

The relevant national policy and guidance is:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

The relevant legislation is:
The Town and Country Planning (Tree Preservation) Regulations 2012

On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the comments made under Regulation 19 have been reviewed with unresolved objections which were reported to Environmental and Development Services committee on 6th November 2025. The Local Plan will be submitted in 2026. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to polices in the publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies.

Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination.

Planning considerations

In taking into account the submitted documents and individual site circumstances, the main issues central to the determination of this application are whether considering the proposed works, the trees in question are viable for a tree preservation order (TPO) to be served on the trees in question.

Planning assessment

The shrub/bush to which this application relates is within the front garden of 20 Main Street, Ticknall and is within Ticknall Conservation Area.

The works proposed are for the pruning back of overgrown shrub/bushes over the boundary wall. Access is required to do repair works to the wall.

The shrub/bushes are multi stem of approximately 8cm, height 3m and crown width of 3m. The shrub is located adjacent to the roadside and is currently causing damage to the boundary stone wall. Pruning of the shrub is therefore required to allow the necessary repair works.

The proposed works are necessary and will not have a detrimental impact on the visual amenity of the surrounding area.

The Tree Officer recommends that the pruning works are authorised.

The Council therefore has no objections to the works and a TPO is not required.

Recommendation

No Objection

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	05/06/2026
Report agreed:	11/06/2026
Authorised officer:	Jenny Blair