



Tree Work Application Decision Notices

Liam Peaker,
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Holmfirth Road
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Holmfirth
HD9 7LF

For: Brierstone Ltd, Brierstone Ltd

TOWN AND COUNTRY PLANNING ACT 1990 Town & Country Planning (Tree Preservation)(England) Regulations 2012

NOTICE OF REFUSAL OF CONSENT TO FELL AND/OR PRUNE

Application Number: 2022/92813

In pursuance of its powers under the above mentioned Act and Regulations and the Tree Preservation Order made by the Kirklees Metropolitan Council (hereinafter called 'the Council') as Local Planning Authority and pursuant to the application submitted to the Council on 22-Aug-2022:-

THE COUNCIL HEREBY **REFUSES** TO CONSENT TO THE CARRYING OUT OF THE FOLLOWING OPERATIONS TO THE PROTECTED TREE(S) TPO No. 06/15/w1

At: Adjacent to, 17, Hillcrest View, Golcar, Huddersfield, HD7 4FD

All trees to rear of new build housing - crown lift to 3.5m and crown thin by 20% to allow light into gardens and open up the area to allow more tree amenity value

The **REASONS** for the Council's decision to refuse to grant consent are:

1. These trees are a prominent landscape feature in the locality and as such contribute significantly to public amenity consequently the grounds for the pruning proposed must be weighed against the amenity they provide.

2. Light loss is not a justification for the level or type of work requested and the resulting detrimental effect this would have on the public amenity this protected woodland provides.
3. I could see no obvious reason why crown lifting higher than they already are is necessary and given no justifiable reasons were provided, the proposed pruning would be significantly harmful to the composition of the woodland cannot be supported.
4. As a legal charge on the land the presence of a protected tree shows during the land searches prior to purchasing a property. This is to allow any potential buyer the opportunity to consider the constraints, long term implications and maintenance requirements of living in close proximity to mature protected trees. With this in mind the issues described should have been a material consideration prior to purchasing this property.

1.

Should you wish to initiate an appeal, you should do so within 28 days of receipt of the notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

2.

Subject to the provision of the Tree Preservation Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under the Order or of any grant of any such consent subject to conditions shall, if he/she makes a claim within the time and in the manner prescribed by the Order, be entitled to recover from the Council compensation in respect of such loss or damage, provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any tree the subject of a certificate in accordance with Article 5 of the Order

In assessing compensation so payable, account shall be taken of:

- a) Any compensation or contribution which has been paid whether to the claimant or any other person in respect of the same trees under the terms of the said or any other Tree Preservation Order under section 29 of the Town and Country Planning Act 1962, or under section 203 of the Town and Country Planning Act 1990, or under the terms of any Interim Preservation Order made under section 8 of the Town and Country Planning (Interim Department) Act 1943, or any compensation which has been paid or could have been claimed under any

provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932; and

- b) Any injurious affection to any land of the owner which would result from the felling of trees subject of the claim.

A claim for compensation under the Order shall be in writing and shall be made by serving it on the Council, such service to be effected by delivering the claim at the offices of the Council addressed to the proper Officer thereof or by sending it by prepaid post so addressed, within 12 months from the date of the decision of the Council, or of the Secretary of State against the decision of the Council from the date of the decision of the Secretary of State on the appeal.

Any questions or disputed compensation will be determined in accordance with the provisions of section 179 of the Act (or as amended).

Dated: 27-Sep-2022

Signed:



David Shepherd
Strategic Director Growth and Regeneration

If you have any questions about the above decision then please contact the application's Case Officer Matthew Moss quoting application number 2022/92813 via one of the following methods:

Call: 01484 414909

E-mail: trees.planning@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
