



## Tree Work Application Decision Notices

Nigel Ellam,  
Ellam Tree Solutions  
28, Myrtle Road  
Golcar  
Huddersfield  
HD7 4EF

**For:** Maeem Sorwar

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

#### **NOTICE OF REFUSAL OF CONSENT TO FELL AND/OR PRUNE**

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**Application Number: 2023/91830**

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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 13-Jun-2023:-

THE COUNCIL HEREBY **REFUSES** TO CONSENT TO THE CARRYING OUT OF THE FOLLOWING OPERATIONS TO THE PROTECTED TREE(S) TPO No. HU1/71/a25

**At:** Hirst Clough, 4, Kaffir Road, Edgerton, Huddersfield, HD2 2AN

Fell large sycamore that appears to be dying.

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

1. There appears to be confusion as to which tree is being applied to be removed. The application lacked specific location detail initially prompting an email to be sent to the agent for clarification. A brief description was given but when I visited the site for the second time the tree owner specified a different tree to the one which had significant dieback. The tree which the owner pointed out did have some minor deadwood throughout the crown which can be removed without consent however,

its removal at this time would not be supported. The tree adjacent is in significant decline and does require attention. Please can this application be resubmitted with appropriate information to identify the correct trees with appropriate work specification.

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:** 15-Sep-2023

**Signed:**



**David Shepherd**  
**Strategic Director Growth and Regeneration**

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If you have any questions about the above decision then please contact the application's Case Officer Matthew Moss quoting application number 2023/91830 via one of the following methods:

**Call:** 01484 414909

**E-mail:** [trees.planning@kirklees.gov.uk](mailto:trees.planning@kirklees.gov.uk)

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

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