

**Consultation Response from KC,
Trees**

2025/90352 adj, 33a, Church Lane, Clayton West, Huddersfield, HD8 9LY

Discharge of details reserved by conditions 6 (boundary treatments), 8 (intrusive site investigations and remedial works), 9 (declaration), 10 (Phase I Desk study Report), 11 (Phase II Intrusive Site Investigation Report), 12 (Remediation Strategy), 13 (Remediation Strategy), 14 (Verification Report) and 15 (Arboricultural Method Statement and Tree Protection Plan) of previous permission 2024/93464 for variation condition 2 (plans) on previous permission 2023/91483 for demolition of garage and erection of detached dwelling.

Date Responded: 6/3/26

Responding Officer: H Irving

Responding Ref: 87/91

Condition 15. No development shall commence until a detailed Arboricultural Method Statement and Tree Protection Plan have been submitted to, and approved in writing by, the Local Planning Authority. The method statement shall include details of foundation design and how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the approved detail. Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan. This is pre commencement as it could affect the method of construction.

AMS ref 25_5837_07_112, dated 01/08/2025 has been rejected by KC trees. This AMS does not adequately protect the trees protected by TPO ref. 87/91. Protected tree T2 is marked as Category U on the Tree Protection Plan, indicating that it is unsuitable for retention. No evidence has been provided to show that the tree should be deemed a Category U tree and consent for its removal was refused in 2024.

Originally T2 was deemed unsafe by James Royston within report ref 230329a AIA. However, a Kirklees Council Tree Officer inspected the tree in relation to tree works application 2024/92570. The REASONS for the Council's decision to refuse to grant consent are as follows:

1. These trees are a prominent landscape feature in the locality and as such contribute significantly to public amenity consequently the grounds for their removal / the pruning proposed must be weighed against the amenity they provide.
2. There was no evidence from an appropriate expert submitted with the application to show that the tree was dangerous as required in section 8 of the application.
3. There was not enough evidence submitted with the application to definitively show the tree poses any abnormal health and safety concerns, it only states the tree is dangerous without evidencing why. However, should additional evidence come to light the Council would be happy to consider a new application supported by this. Erica Byram Long Fall Farm Reddish Road Huddersfield HD7 6NF
4. The Arboricultural impact assessment submitted did not suggest any work is required to T1.
5. The tree T2 is an integral part of a group, and its removal would have a detrimental effect on the composition of the group and the amenity it provides.
6. Removal of a protected tree would be a material consideration when deciding a planning application for an extension and if this is required this should be discussed within the context of a full planning application as permission is not guaranteed and therefore would not be a reason to remove the tree under a TWA.

It was previously agreed to amend the proposals to show T2 as retained and this was included and in application 2025/44/90352/E.

There is a holding objection from an arboricultural perspective. The proposal conflicts with adopted Kirklees local plan policy 33 and 24 (i). A new method statement must be submitted showing T2 as retained and demonstrate how T2 will be protected throughout the development of the proposals.

Please note: A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping
- lopping

- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.