



Tree Work Application Decision Notices

Andy Winter
12, Far Dene
Kirkburton
Huddersfield
HD8 0QZ

For: Andy Winter

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: 2025/92588

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 08-Sep-2025:-

THE COUNCIL HEREBY **REFUSES** TO CONSENT TO THE CARRYING OUT OF THE FOLLOWING OPERATIONS TO THE PROTECTED TREE(S) TPO No. 03/95

At: 12, Far Dene, Kirkburton, Huddersfield, HD8 0QZ

Proposal:

"Needed to improve form and reduce the severity of shading to the garden area of both Copper Beech trees Work involves crown to lift, thin, and reduce back from properties 12 and 12A Far Dene Work will be similar to approved application 2012/TWACA/93348/E (3 December 2012):

Trees T1 and T2, Copper Beech located to the rear of the property: Crown lift, crown thin by 25% and where necessary prune back slightly to a suitable side branch to reduce back from the property and reduce extended limbs to shape."

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. The works are not adequately specified within the application as required.
3. Light loss is not a justification for this level of work requested and the resulting detrimental effect this would have on the public amenity the tree provides. It is not usual to carry out crown reduction, thinning and lifting all at once as this is ordinarily considered excessive.
4. The trees appeared to have open canopies with some epicormic growth on main laterals, they did not however appear dense or crowded to an extent to justify the level of crown thinning proposed; an operation which reduces the overall leaf material thus reducing a tree's ability to combat any infections and opening many small wounds throughout the crown. Consequently, the proposed works may promote infection and decay, adversely affecting the tree's long-term health.
5. Due to its potentially negative effects, crown reduction should not usually be carried out in addition to other crown pruning operations specifically crown thinning, according to BS3998, which would add to the amount of wounding and leaf loss.

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: 05-Nov-2025

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 Hazel Irving quoting application number 2025/92588 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
