

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO261 – Bramley Cottage, Saunders Green

The Forest of Dean District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

1. Citation

This Order may be cited as The Tree Preservation Order DFTPO261, Bramley Cottage, Saunders Green.

Interpretation

1.1. In this Order “the authority” means the Forest of Dean District Council.

1.2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. Effect

2.1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.

2.2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

3. Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 16 day of December 2021

The Common Seal of the FOREST OF DEAN DISTRICT COUNCIL was hereunto

Affixed in the presence of

P.M. Wilcock



2351

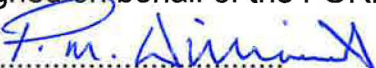
CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 10th day of FEBRUARY 2022

OR

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL, subject to the modifications indicated by broken black line on the map, on the day of

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL



Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the FOREST OF DEAN DISTRICT COUNCIL on the day

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the FOREST OF DEAN DISTRICT COUNCIL on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

REVOCAION OF ORDER

This Order was revoked by the FOREST OF DEAN DISTRICT COUNCIL on the day of

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

The Town and Country Planning Act 1990

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

DFTPO261 - Bramley Cottage, Saunders Green

Notice Under Regulation 5

This is a formal Notice to let you know that on the 16th December 2021 the Forest of Dean District Council (hereafter called 'the Council') made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from carrying out activities such as the cutting down, topping or lopping any of the trees described in Schedule 1 and shown on the map without the Council's consent.

Reasons for Making the Order

The Council has made the Tree Preservation Order for the following reasons:

In the interest of public amenity

Objections

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you have any objections or other representations which you wish to make with respect to any of the trees, groups of trees or woodlands specified in Schedule 1 of the accompanying Order, then such representations must be received by the Council no later than 13th January 2022 to the following address:

Forest of Dean District Council
Council Offices
High Street
Coleford
Gloucestershire
GL16 8HG.

Any objections or representations must comply with the requirements of Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which is set out overleaf.

The Council will write to you again further when the decision whether or not to confirm the Order has been made.

Signed.....

~~Monitoring Officer~~ / Head of Paid Service

REGULATION 6 of the Town and Country Planning (Tree Preservation) Regulations 2012

OBJECTIONS AND REPRESENTATIONS

(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(Encircled in black on the map)

Reference on Map	Description	Situation
T1	Oak	Bramley Cottage SO614059 (361457, 205835)

Trees specified by reference to an area
(within a dotted black line on the map)

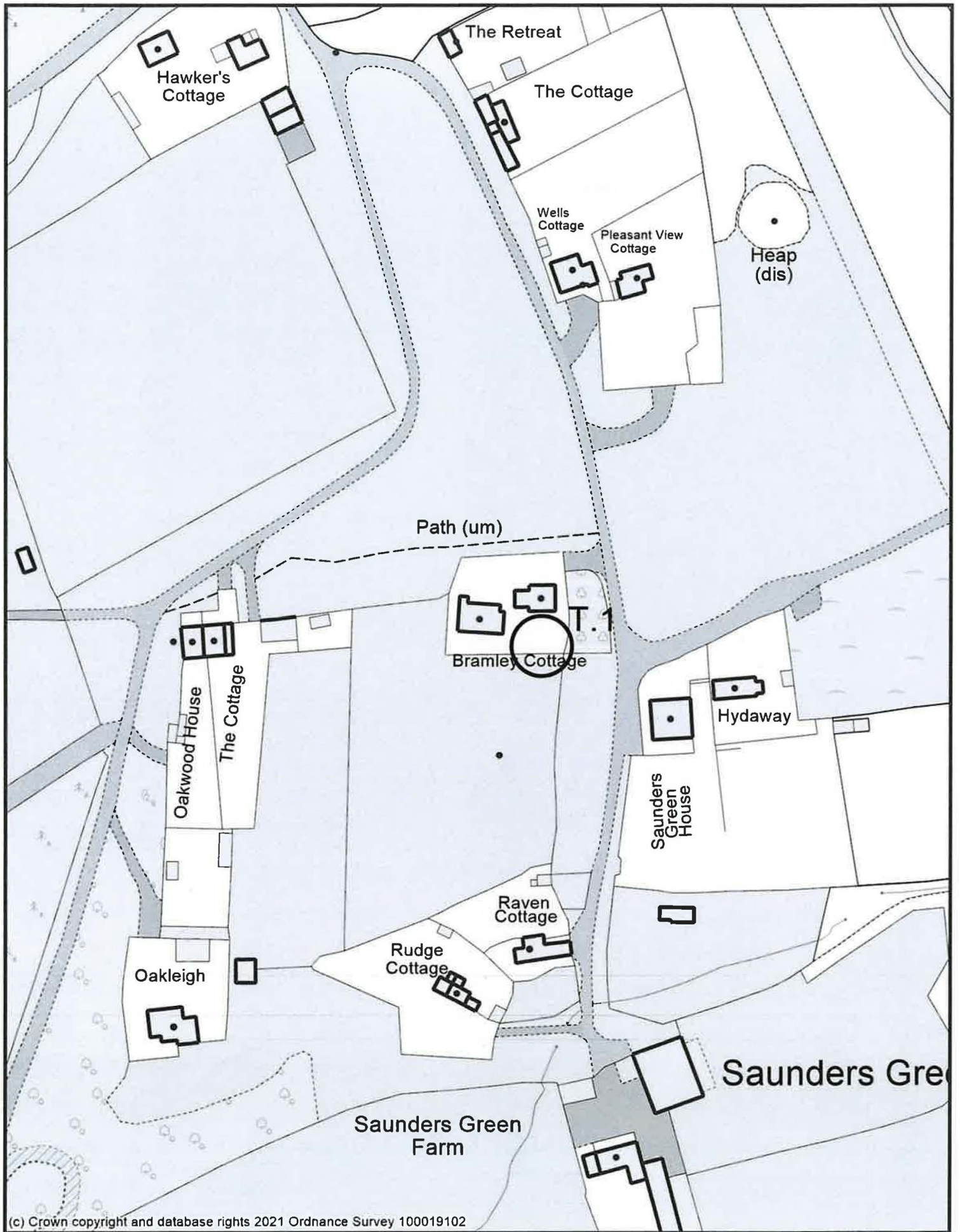
Reference on Map	Description	Situation
-	-	-

Groups of trees
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
-	-	-

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
-	-	-



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Tree Preservation Order DFTPO261 Bramley Cottage, Saunders Green

Scale: 1:1250

09 December 2021



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Report for a Tree Preservation Order

DFTPO261 Bramley Cottage, Saunders Green

Introduction

A Tree Preservation Order is recommended for an individual oak tree growing in the grounds of Bramley Cottage, Saunders Green (see Appendix A – B for TPO plan and photographs). The tree should be referred to as:

T1 – Oak

The tree is growing near the southern boundary of the property, and is adjacent to a plot of land that has recently been refused permission in principle for the residential development of up to 2 dwellings and associated access under planning application number P1620/21/PIP.

Desk Based Assessment

The tree is growing in the grounds of a property that is outside of a defined settlement boundary. There are no other trees covered by a Tree Preservation Order within the immediate area. The nearest public footpath is approximately 150 metres to the south. Planning Application number P1620/21/PIP, concerns a plot of land immediately to the south of the tree. This application for Permission in Principle for residential development of up to 2 dwellings and associated access was refused on the 24th November 2021.

Site Based Assessment

The tree is a mature specimen growing on the southern boundary of Bramley Cottage, and stands out from the surrounding vegetation. A significant proportion of the southern half of the tree overhangs into the land that was proposed for development immediately to the south. There are a number of unofficial paths and tracks serving the scattered settlement of Saunders Green, from which the tree can be viewed.

Consultation Responses

A TPO was requested by the owners of Bramley Cottage. No consultation has been undertaken for the proposed provisional TPO.

Discussion

Visibility: The tree is visible from numerous public viewpoints, primarily from roads to the east, south-east, north, and a footpath and a road to the north-west.

Individual Impact: The tree is a mature specimen, with a well-developed crown of good form for the species. Due to its height and stature, it stands out from the other trees surrounding it.

Wider Impact: At present the tree has high amenity value, due to its prominence in the local landscape, which consists of blocks of woodland to the west and scattered individual trees and scrub to the north, east and south amongst a scattered rural settlement. This tree is an important arboreal component in the wider context, as stand-alone mature trees are a feature of the character of this type of forest fringe settlement.

Expediency: With the exception of the proposals to develop the land immediately to the south, no additional immediate threats to this tree have been identified. The owners of the land on which it grows are keen to see it retained. They are concerned that due to the tree being heavily weighted towards the proposed development site, there is a likelihood that extensive reduction of the tree on this side may be carried out, which has the potential to significantly reduce its amenity value. Any pruning of large branches on this side of the tree would require large pruning cuts that could be detrimental to the long-term health of the tree. The recent planning application (P1620/21/PIP), was refused, but in the event that a further application for planning permission is brought forward, the tree can be a consideration of the impacts of the application and measures requested for its safeguarding. These will not safeguard the tree in the short or long term, as any development of residential dwellings on this site has the potential to increase management pressure on the tree.

A TPO is considered expedient.

Conclusion of Discussion: The tree has high amenity value, and as a result it is considered to merit protection.

Alternatives to placing a Tree Preservation Order

Do nothing. There still exists the likelihood that in advance of any future planning applications, extensive pruning on the south side of the tree could still take place. As the tree is currently not protected, there is no requirement to obtain permission from the Council to undertake work to this tree, which could potentially reduce its amenity value.

Recommendation

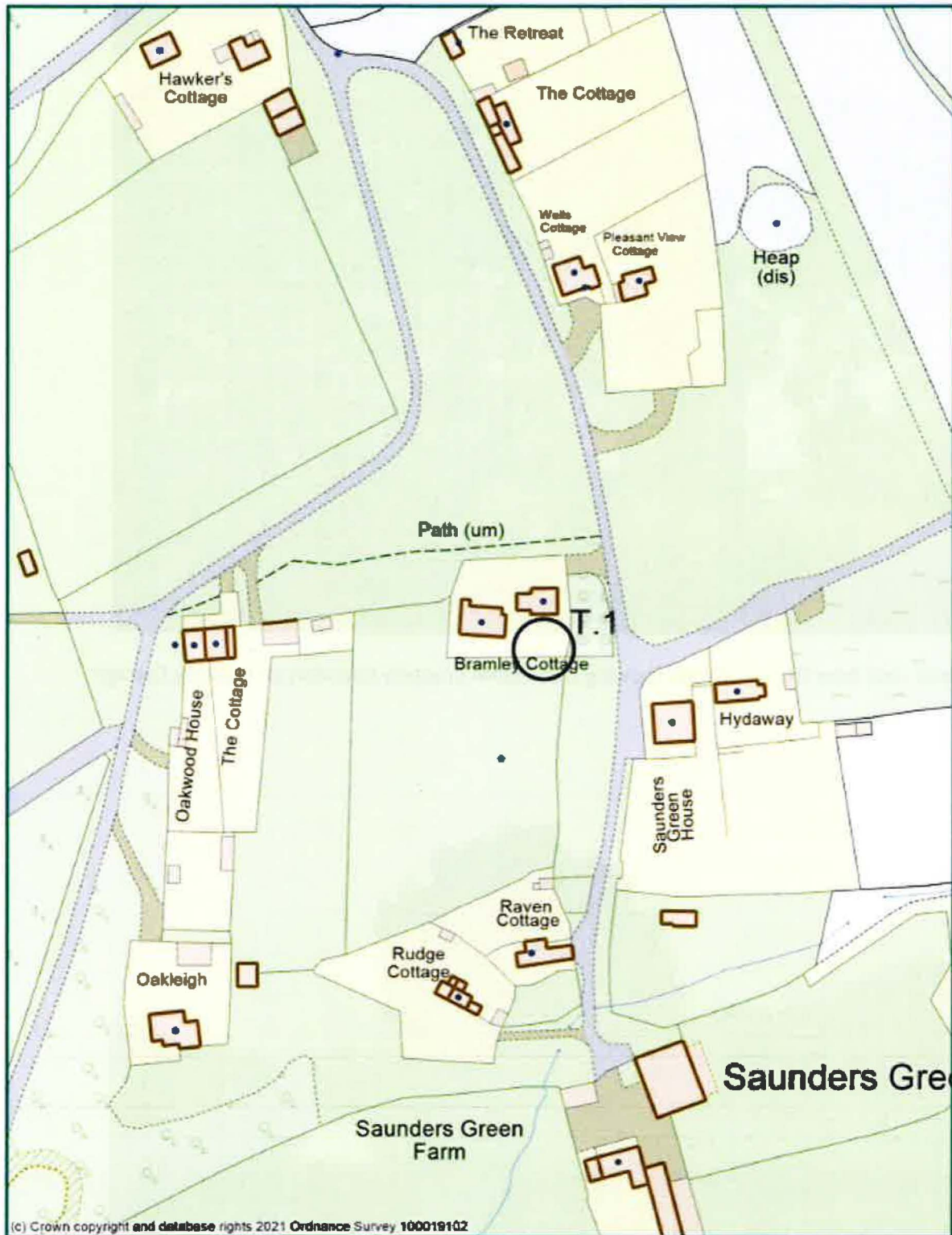
That provisional Tree Preservation Order DFTPO261 Bramley Cottage, Saunders Green is made.

Signed: P. M. Williams

Printed:

Agreed / Disagree* [Signature] Date: 16.12.2021

Appendix A – TPO Plan



**Tree Preservation Order DFTPO261 Bramley
Cottage, Saunders Green**

Scale: 1:1250

09 December 2021



Appendix B – Photographs



Close view from the south-east showing tree within property boundary of Bramley Cottage



View from the east



View from the south east



View from the north



View from the north west