
APPLICATION NO.	TPO.TVBC.1245
SUBJECT TYPE	TREE PRESERVATION ORDER
SITE	Hillview, Romsey Road, King's Somborne, Stockbridge, Hampshire, SO20 6PR, KING'S SOMBORNE
ORDER MADE	05.04.2022
CASE OFFICER	Rory Gogan

Background paper ([Local Government Act 1972 \(Section 100D\)](#))
Appendix: TPO.TVBC.1245 (provisional order)

1.0 INTRODUCTION

- 1.1 This matter is reported to the Southern Area Planning Committee to consider an objection received in respect to the making of a new Tree Preservation Order (TPO) and decide whether the TPO should be confirmed.
- 1.2 This TPO was made in response to local concerns about the trees being felled as part of landscape works within the garden and grounds of Hillview.
- 1.3 A provisional Tree Preservation Order (TPO.TVBC.1245) was made in response to those concerns. The Order has effect provisionally unless and until it is confirmed. Confirmation must take place no later than six months after the TPO was made.
- 1.4 An objection to this provisional TPO has been received.
- 1.5 The Council cannot confirm a TPO unless it first considers objections and representations duly made and not withdrawn. If a TPO is confirmed, it may be confirmed with or without modifications.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The trees subject to this report stand close to the north western boundary of Hillview adjacent to footpath No.8 Kings Somborne.
- 2.2 The subject trees are mature, one Silver Birch (T1) and one Walnut (T2). The trees are large specimens that are prominent in the local rural landscape, both have good amenity value and are seen in full from a well-used public footpath with more distant views from surrounding highways and public footpaths.

3.0 BACKGROUND

- 3.1 Following planning permission being granted for the erection of outbuilding comprising garage, cycle store, annex and provision of a terrace, reference 21/01643/FULLS, concerns were raised by a local resident that the subject trees to the north of the outbuildings and terrace may not have been considered as part of the overall planning application and that these trees may be under threat of being felled to gain views from the terrace area.

For this reason, a TPO was considered expedient as there is now a perceived threat that trees of significant landscape importance could be felled without the appropriate protection being in place.

4.0 **REPRESENTATIONS**

4.1 An objection has been received from Mr Mark Horscroft, the owner of Hillview, objecting to the making of the TPO on the following grounds:

- The reason stated for the TPO are “in the interests of public amenity”. The trees covered by the TPO do not, in our opinion, truly reflect this as both we, and immediate neighbours, have been recently impacted by storm damage caused to a cherry tree located between the Silver Birch and Walnut included within the TPO. This storm damage meant that the tree had to be taken down but had already caused damage to our neighbour’s fence.
- The trees covered by the order legally protects the trees that arguably have a low amenity value from a public viewpoint. The two trees are of poor form so would not warrant an individual TPO.
- The trees cannot be seen from the road, only from the public footpath that runs through the field to the north of the property. Given that the previous TPO was allowed to lapse due to these trees also being of low quality, they could be readily seen from the A3057 road and, therefore, would have offered a greater amenity value than the two trees now in question.
- The trees are not unusual or rare species that offer cultural or historic value that area worthy of legal protection on site to warrant a TPO as advised by the Government guidance.

5.0 **POLICY AND NATIONAL GUIDANCE TOWN AND COUNTRY PLANNING ACT 1990**

5.1 The Local Planning Authority may make a TPO if it appears to them to be: ‘expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area’. TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

6.0 **TPO CONSIDERATIONS**

6.1 In assessing trees for possible inclusion in a new TPO, the Council therefore assesses whether the trees in question have public amenity value. Before doing so, however, it first determines, by reference to a list of detractors, whether the making of a new order would be defensible.

6.2 Further to the points raised by the objector, the following response is provided for the Committee’s consideration:

Public Amenity Value – Visibility

The trees can be seen from public vantage points – views of the individual trees may be achieved from the following public locations:

- Public footpath Kings Somborne No. 8 (runs directly to the north and past the trees)
- Horsebridge Road
- Romsey Road A3057 (travelling in a easterly direction)
- Distant views from Public footpaths King Somborne No's 7 and 505

The visibility of trees T1 and T2, from the A3057 Romsey Road, has been significantly improved by the felling of trees to the south west of Hillview, these tree have been felled as part of the planning permission reference 21/00662/FULLS.

Storm damage to adjacent Cherry tree

An initial site visit, to undertake an amenity assessment of the trees, identified the Cherry tree. It was in declining physical and structural condition and was not included within TPO.TVBC.1245 for this reason. It was subsequently damaged in high winds. This is coincidentally of benefit to the two subject trees providing more light and increase canopy space.

Tree Quality and significance

TPO reference T1 – Silver Birch

Officer's observations found this tree to be in good health generally, growing vigorously in its surroundings. The root system is unrestricted by any hard surfacing or other obstruction to growth. The canopy is full with normal branch extension growth and good foliage colour. There are no visible indications to suggest that it is in decline, and it is considered to have good future potential as an amenity feature for many years to come. It is recommended the Order should be confirmed without amendment or modification.

TPO reference T2 – Walnut

This tree is in good health and growing vigorously in its surroundings. The root system is unrestricted by any hard surfacing or other obstruction to growth. The crown is unrestricted and will benefit from the removal of the neighbouring Cherry that was previously in poor health and in decline. The canopy is of good form with a well-spaced branch structure that supports a full and spreading crown. The branch extension growth and foliage colour is normal. There are no visible indications to suggest that it is in decline, and it is considered to have good future potential as an amenity feature for many years to come. It is recommended the Order should be confirmed without amendment or modification.

7.0 CONCLUSION

7.1 Tree T1 and T2 are in good health and of high amenity value due to their good public visibility. The trees are important features within a rural landscape and add to the sylvan character of the area, it is entirely reasonable that the Order is confirmed without amendment or modification.

8.0 RECOMMENDATION

That TPO.TVBC.1245 be confirmed without modification.
