

# Planning Committee

## Tree Preservation Order (No. 17/2011 – Rowarth House, Little Lane, Horley.

7 February 2012

### Report of Head of Public Protection and Development Management

#### PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order (no. 17/2011) relating to a Yew tree (copy plan attached as Appendix 1) at Rowarth House, Little Lane, Horley.

This report is public

#### Recommendations

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The Planning Committee is recommended to:

- (1) Confirm the Order without modification

#### Background Information

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- 2.1 The Scheme of Reference and Delegation authorises the Strategic Director Planning, Housing and Economy to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 2.2 The above mentioned Tree Preservation Order was authorised and made on 26 October 2011. The statutory objection period has now expired and no objections were received to the Order.

## **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 TPO made following receipt of a submitted section 211 'Notice of Intent' to fell 1 No yew tree located within a designated Conservation Area (ref: 11/00204/TCA).

## **Implications**

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**Financial:** The cost of processing the Order can be contained within existing estimates.

Comments checked by Karen Muir, Corporate Systems Accountant, [Karen.muir@cherwell-dc.gov.uk](mailto:Karen.muir@cherwell-dc.gov.uk) 01295 221559

**Legal:** The Council has the power under s198 Town and Country Planning Act 1990 to make a tree preservation order if it appears expedient in the interests of amenity. The committee must consider any objections and representations duly made.

Comments checked by Ross Chambers, Solicitor, [ross.chambers@cherwell-dc.gov.uk](mailto:ross.chambers@cherwell-dc.gov.uk) 01295 221690

**Risk Management:** The existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such a tree is structurally sound and poses no danger to passers by and/or adjacent property. The TPO legislation does contain provisions relating to payment of compensation by the Local Planning Authority in certain circumstances, but these relate to refusal of applications to carry out works under the Order and no compensation is payable for loss or damage occurring before an application is made.

Comments checked by Claire Taylor, Corporate Performance Manager, [claire.taylor@cherwellandsouthnorthants-dc.gov.uk](mailto:claire.taylor@cherwellandsouthnorthants-dc.gov.uk) 0300 0030113

## **Wards Affected**

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## **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
<b>Background Papers</b>	
TPO file reference 17-11	

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