

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2333

LAND AT OAKTREE FARM SCIVIERS LANE UPHAM WINCHESTER SO32 1HB

MEETING DATE: 19<sup>TH</sup> JULY 2023

REPORT OF CABINET MEMBER Councillor Jackie Porter, Cabinet Member for Place and Local Plan.

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WARD(S): UPPER MEON VALLEY

PURPOSE

To consider confirmation of Tree Preservation Order 2333 to which one letter of objection has been received.

RECOMMENDATIONS:

That having taken into consideration the representations received, Tree Preservation Order 2333 be confirmed.

## 1. SUMMARY

- 1.1 Winchester City Council's Principal Tree Officer received a planning consultation request from a member of the planning team for the proposed demolition of the existing bungalow and its replacement with a 2 storey dwelling with a new storage building, storage barn and alterations to an existing barn at Oaktree Farm in Sciviers Lane, Upham, Winchester.
- 1.2. The proposal included the removal of two oak trees from a line of mature trees along the front boundary of the farm adjacent to Sciviers Lane to create a new access to the farm. In addition to the proposed tree removals some major tree works were proposed to remove deadwood and crown reduce two other mature oak trees because of ill health.
- 1.3. At the time of assessing the application there were concerns that the proposed removal of two oak trees (T5 & T6) from the line of trees would have a detrimental effect on the visual public amenity that the line of trees currently provides. The Principal Tree Officer raised no objection to the removal of the deadwood from the line of trees or crown reduction of the two other mature oaks, as this work is needed to preserve the safety of the general public using Sciviers Lane.
- 1.4. The site was visited to assess whether the trees were of sufficient amenity value and condition to merit protection. It is considered that eighteen oak trees meet the criteria for preservation as laid down by the Secretary of State. Tree Preservation Order (TPO 2333) was therefore made and served on 2<sup>nd</sup> February 2023. The TPO will expire on 1st August 2023 if not confirmed
- 1.5. Subsequently to the TPO being served, a second planning application has now been received for a proposed agricultural worker's bungalow to replace an existing static caravan next to the proposed new two storey dwelling at Oaktree Farm. The new proposal still includes the removal of the two oak trees as originally proposed in the first application.

## 2. CONSULTATION

- 2.1. One letter of objection to the TPO was received – summarised below:
  - The impact of the proposed development poses minimal interferences with trees within the site.
  - Certain oak species along the frontage in a very poor condition.
  - The Applicant feels the proposal of TPO's on all trees is unreasonable and over exaggerated.

## 3. THE PRINICIPAL TREE OFFICERS RESPONSE

- Sciviers Lane runs along the front of Oaktree Farm and is a rural country lane that is lined on both sides of the highway with mature trees and

established hedging. This arrangement is in keeping with a rural setting and location.

- All of the trees covered by the TPO are mature trees that can be seen from the public highway giving them high visual public amenity value.
- The proposed removal of two oak trees from within the line of trees along the frontage of Oaktree Farm would create a break in the continuous line of trees adjacent to the public highway and therefore have a detrimental impact on the trees' visual public amenity value and the setting of the rural country lane.
- At the time of the visit it was noted that the trees along the front of the property adjacent to Sciviers Lane had major deadwood scattered throughout their crowns. The proposed reduction and removal of deadwood would have a temporary detrimental impact on the trees visual public amenity value, however this work is necessary to preserve the health and safety of the users of Sciviers Lane.
- All oak trees that are within the proposed development site and the field next to the development site are included in this TPO. This is for completeness and for the avoidance of doubt as to which trees are protected at Oaktree Farm.
- The estimated remaining life expectancy of these trees ranges from 40 to in excess of 200 years.
- A Tree Evaluation Method for Preservation Orders (Tempo) has been carried out. The trees scored a total of 18 points which means the trees merit a TPO.

#### 4. ENVIRONMENTAL CONSIDERATIONS/PUBLIC SECTOR EQUALITY DUTY

4.1 None

#### 5. RISK CONSIDERATIONS

5.1 The risk of legal challenge to the validity of the TPO is considered low as the TPO has been served in accordance with the relevant legislation and procedures. Compensation for refusal for works applied to the trees is mitigated by following correct procedures as laid down by the Secretary of State.

#### 6. OTHER OPTIONS CONSIDERED AND REJECTED

6.1 Option 1: Modify the order to reduce the number of trees protected by this TPO and to allow the removal of two oak trees for the creation of a new access off Sciviers Lane. However this would create a large hole in the

continuous tree line which would have a detrimental effect on the trees' visual public amenity value.

- 6.2 Option 2: Not to confirm the TPO. This would result in the trees being completely unprotected, allow the requested works to take place and have a significant detrimental effect on the trees visual public amenity value.

**BACKGROUND DOCUMENTS: -**

Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas. <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

Winchester City Council's Tree Strategy

<https://www.winchester.gov.uk/planning/trees/winchester-city-council-tree-strategy>

Tree evaluation method for tree preservation orders- TEMPO-

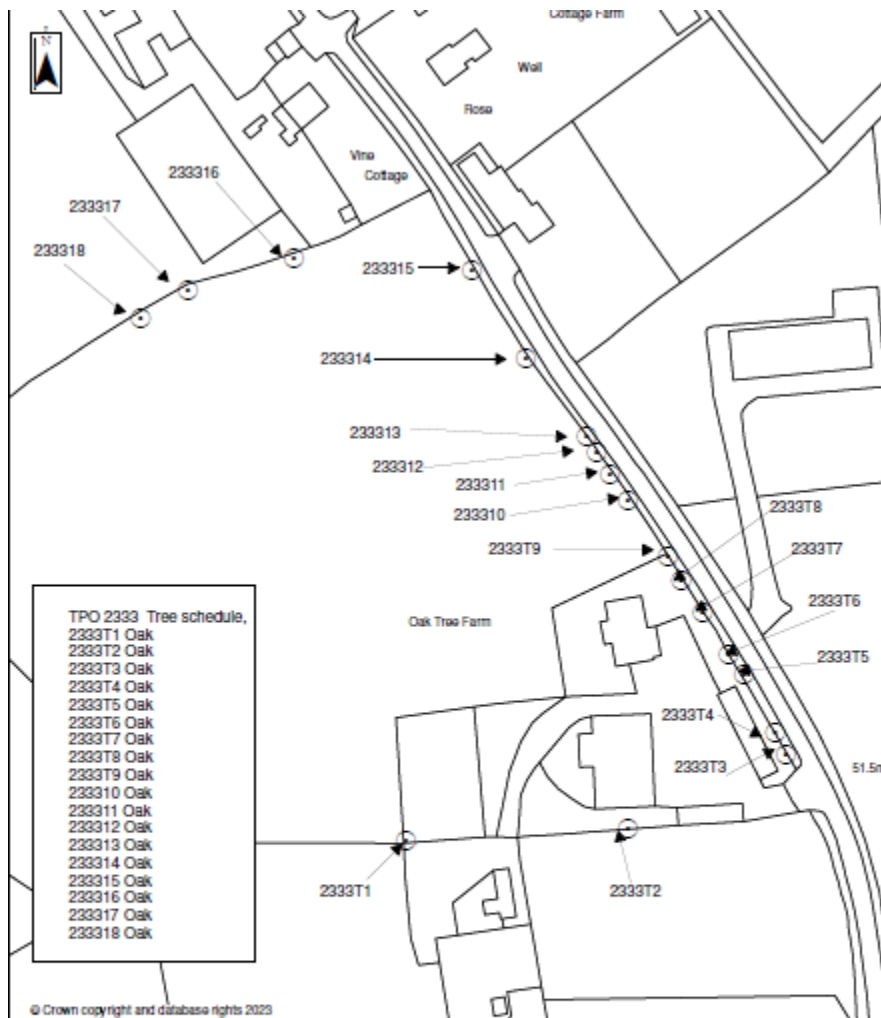
<https://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>

**APPENDICES:**

Appendix 1 - Map.

Appendix 1 - Map

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- TPO 2333 Tree schedule,  
 2333T1 Oak  
 2333T2 Oak  
 2333T3 Oak  
 2333T4 Oak  
 2333T5 Oak  
 2333T6 Oak  
 2333T7 Oak  
 2333T8 Oak  
 2333T9 Oak  
 2333T10 Oak  
 2333T11 Oak  
 2333T12 Oak  
 2333T13 Oak  
 2333T14 Oak  
 2333T15 Oak  
 2333T16 Oak  
 2333T17 Oak  
 2333T18 Oak

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**Legend**

- Area
- Group
- Woodland
- Tree

**TOWN AND COUNTRY PLANNING ACT 1990**  
 Section 198 - 201

Tree Preservation Order No. 2333

Location: Land at Oaktree Farm  
 Solwers Lane  
 Upham  
 SO2 1HB



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