

## PLANNING COMMITTEE

REPORT TITLE: TREE PRESERVATION ORDER 2358 - THE PADDOCK,  
CLEWERS HILL, WALTHAM CHASE

13 AUGUST 2025

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

Contact Officer: John Bartlett Tel No: 01962 848360 Email:  
[jbartlett@winchester.gov.uk](mailto:jbartlett@winchester.gov.uk)

WARD(S): CENTRAL MEON VALLEY

### PURPOSE

To consider confirmation of Tree Preservation Order 2358 to which one letter of objection has been received.

### RECOMMENDATIONS:

1. That, having taken into consideration the representations received, Tree Preservation Order 2358 be confirmed.

## 1. SUMMARY

- 1.1. The Council received strong information that two Oak trees were under threat from being significantly back from the property of Chasefield.
- 1.2. Following this information being received, the tree consultant working on behalf of Winchester City Council carried out a site inspection to assess the condition and amenity value of these trees to assess whether they were of sufficient amenity value. Based on this assessment, the trees were deemed to meet the criteria for protection under a Tree Preservation Order (TPO). Both Oak trees (T1 & T2) achieved a score of 20 points on the Tree Evaluation Method for Preservation Orders (TEMPO) assessment, indicating that they both warrant formal protection. As a result, TPO 2358 was issued and served on 6<sup>th</sup> March 2025. If not confirmed the provisional order will expire on 5<sup>th</sup> September 2025.

## 2. CONSULTATION

- 2.1 One letter of objection to the making of this TPO were received. The key concerns are summarised as follows:
  - We have lived at this property for 30 + years and have never touched/bothered with any trees (including those involved in this matter) until now.
  - Do not think it is an unreasonable request to cut back the tree due to the increasing size of the tree in our neighbour's back garden, to be able to scale this back by small measures to make it manageable.
  - The tree loses a significant number of leaves in the autumn and winter months which, at our age are getting more difficult to maintain.
  - The tree overhangs into our garden by 15 + ft, shadowing out the sun, and slowing down grass for our lawn
  - The tree is covered in ivy which is affecting its health and there are a number of dead branches that fall with the potential to cause harm to my animals that use our garden.

The Tree Officer's response:

- The information we received indicated that significant limbs were to be cut back which would have led to a detrimental impact on the amenity value and or structural integrity of these two oak trees.
- The trees' ecological and landscape value is considered to outweigh the seasonal nuisance issues which have been reported.

- The protection of these trees does not prohibit maintenance from being carried out which is reasonable and in keeping with good arboricultural practice. A formal tree works application for pruning can be submitted which can then be considered by the Council. The Winchester City Council tree consultant has advised the objectors of suitable work which the Council would consider to be acceptable in a formal application for T2.
- Under common law rights, a property owner has the right to prune back overhanging branches to the boundary line (subject to permission from the Council for protected trees). However, it is also seen as crucial that any work carried out avoids causing harm to the health or stability of the tree. The information we received, suggested that the work could have been detrimental to these trees.
- Removal of ivy and deadwood is exempt from requiring permission to be carried out, so a formal application is not required for this work.

### 3. ENVIRONMENTAL CONSIDERATIONS

Trees such as this oak play a vital role in addressing the climate emergency and enhancing the district's green infrastructure. They contribute to carbon sequestration by absorbing from the atmosphere and mitigating the effects of climate change.

In addition to their environmental benefits, oak trees support a wide range of biodiversity. They provide essential habitats for numerous species, including pollinating insects and a diverse array of caterpillars, thereby contributing to the ecological health of the area. Oak trees are the most ecologically valuable native tree species in the UK, supporting approximately 2,300 species of wildlife.

### 4. ALIGNMENT WITH WINCHESTER TREE STRATEGY

The confirmation of TPO 2358 directly supports the objectives outlined in the Winchester City Council Tree Strategy. By preserving these semi-mature oak trees that contribute to local biodiversity, visual amenity, and climate resilience, the TPO reinforces the Strategy's commitment to protecting valuable trees across the district.

The report's emphasis on the role of these trees in supporting wildlife and carbon sequestration aligns with the Strategy's goals to enhance ecological networks, promote environmental stewardship, and integrate trees into the urban landscape for the benefit of current and future generations.

## 5. PUBLIC SECTOR EQUALITY DUTY

None

## 6. RISK CONSIDERATIONS

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

## 7. OTHER OPTIONS CONSIDERED AND REJECTED

- 7.1. If the provisional TPO is not confirmed, it will expire on 5th September 2025. The tree will then be left vulnerable to being heavily pruned. Heavy pruning of these trees will have a detrimental impact on the biodiversity, and the amenity value of the area.

## BACKGROUND DOCUMENTS: -

Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.

Website:- <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

Winchester City Councils tree strategy Website:-  
<https://www.winchester.gov.uk/planning/trees>

## APPENDICES:

Appendix 1

# Appendix 1



TPO 2358 Tree schedule

2358 T1 Oak  
2358 T2 Oak

© Crown copyright and database rights 2025  
Winchester City Council license 100019531

**Legend**

- A1 Area
- G1 Group
- W1 Woodland
- T1 Tree

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

Tree Preservation Order No. 2358

Location:

Land at The Paddock  
Clewers Hill  
Waltham Chase



Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
Hampshire  
SO23 9LJ

Scale @A4: 1:1,824

Date: 4 March 2025

Telephone 01962 840 222