

PLANNING COMMITTEE

REPORT TITLE: TREE PRESERVATION ORDER 2365 - 3 GRAFTON ROAD,
WINCHESTER, SO23 3SX

15 APRIL 2026

REPORT OF CABINET MEMBER: COUNCILLOR JACKIE PORTER, CABINET
MEMBER FOR PLACE AND LOCAL PLAN.

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WARD(S): ST MICHAEL

PURPOSE

To consider confirmation of Tree Preservation Order 2365 to which one letter of objection has been received.

RECOMMENDATIONS:

That, having taken into consideration the representations received, Tree Preservation Order 2365 be confirmed.

1. SUMMARY

- 1.1. The Council received a tree works within a conservation area notice on the 31st of July 2025, to remove two yew trees which is the subject of this report. This was treated as a section 211 notice as the trees was subject to protection by virtue of being within the City of Winchester conservation area (25/01465/TPC).
- 1.2. Following this notification being received, a tree officer working on behalf of Winchester City Council carried out a site inspection on the 17th of October 2025 to assess the condition and amenity value of the two yew trees forming a linear group, and whether they held sufficient amenity value. Based on this assessment, these trees, as a group of two were deemed to meet the criteria for protection under a Tree Preservation Order (TPO). This assessment was carried out after the expiration date of the section 211 notice, due to resourcing.
- 1.3. The group of two trees achieved a score of 20 points on the Tree Evaluation Method for Preservation Orders (TEMPO) assessment, indicating that it warrants formal protection. As a result, TPO 2365 was issued on the 20th October 2025. If not confirmed the provisional order will expire on the 20th April 2026.

2. CONSULTATION

2.1. One letter of objection to the making of this TPO was received. The key concerns are summarised as follows:

- The period of time between the notification having been received by Winchester City Council, and the serving of the above Tree Preservation Order. This being raised within the objection as some 90days, and outside of the six week notice period allotted to section 211 notices.
- The Tree Preservation Order having been made some 48 days following the expiration of the allotted time given to section 211 notices.
- Associated costs having been incurred within those 48 days.
- According to the lodged objection the “Affected Trees are of extremely poor quality, overlarge and deleterious to the local amenity.” Furthermore “The Affected Trees clearly neither *preserve* nor *enhance* the Conservation Area but rather detract from it.”
- Historic section 211 notice provided for an adjacent property raised no objection (23/00946/TPC).
- Winchester City Councils public interactive map was “currently not functioning for TPOs”.

- The group of two yew trees are not to be considered as a group.
- The Winchester City Trust, raised no objection in relation to this section 211 notice (25/01465/TPC). It was raised by the Winchester Trust that the two yew trees were “**overlarge**” and that the proposed replacement hedge instead would “**contribute appropriately to the visual amenity and character of the street scene**”
- The removal of the two yew trees, as per the notice received, should not be considered to have “**a significant negative impact**”
- street lighting illuminate to a “large portion” of the footway to the west is prohibited.
- Retention of the group of two yew trees will have a “major negative impact on the new dwelling house to be constructed pursuant to PP23/00667/FUL.”
- Rarity and cultural value of “Common Yew” are not considered by Winchester City Council.

The Tree Officer’s response:

- The Tree Preservation Order 2365 was served following the expiration of the section 211 notice (25/01465/TPC). Upon the site visit carried out by the Winchester City Council, Arboricultural Officer, the group of two yew trees were present. As such Winchester City Council took steps to serve a tree preservation order on the group of two yew trees following an amenity valuation assessment.
- Following the expiration of the section 211 notice, the objector was in a position to remove the group of two yew trees following this six week notice period. At this point Winchester City Council had not made comment, either no objection or supporting the application as is an available route under The Town and Country Planning (Tree Preservation) (England) Regulations 2012. The trees remained under threat of removal during this time, and could have been removed by the objector up until the point at which TPO 2365 was served. As such the group of two yew trees were not removed and were assessed for suitability of a Tree Preservation Order.
- An assessment made in line with the widely utilised and recognised Tree Evaluation Method for Preservation Orders (TEMPO), was carried out, and the group of two yew trees scored 20 points, according to the assessment, trees scoring 16+ definitely merit Tree Preservation Orders.
- “Amenity” is not a term defined in law, and as such assessment tools such TEMPO, as the above are used to provide structure and guidance relating to decision making when assessing visual amenity of trees. This

assessment was carried out and the score generated confirmed that the group of two yew trees merit a Tree Preservation Order.

- In relation to the historic section 211 notice, 23/00946/TPC mentioned above, the notice was submitted on the 17th of April 2023, our records show that this application was subsequently withdrawn on the 24th of April 2023. In this instance the yew tree relating to this notification remains a feature of the street scene within Grafton Road.
- Winchester City Councils interactive public mapping system may have not been functioning during the time of this objection. However, interactive mapping is currently active, showing the group of two yew trees as Group on, TPO 2365 (accessed 27-2-26)
- The objection received highlighting that “the trees are of indifferent quality” and “have little Merit, being close together”. The arboricultural report, associated with this property, and the approved plan aforementioned (23/00667/FUL) record these trees as T3 and T4 respectively, in “Good” Physiological condition and “Fair” (Tree survey report, p2). This record also showing T3 and T4 as “Part of linear group”.
- The category of “group” was utilised in this instance as according to the record of the TEMPO assessment carried out by the tree officer, on the 17th of October 2025, relating to section D, other factors. “These two trees form an important group feature in the front garden of the property. We would consider these trees to be the most prominent features in this road. They can be seen from both junctions which run adjacent to this road.”
- The term “overlarge” has been utilised within the received objection. These trees have both been recorded as EM, early mature, within the aforementioned tree survey, with 20+ years estimated remaining contribution.
- Provisions exist within the legislation which allows for a householder to make an application for tree works consent to manage a protected tree. If such work is refused and a householder can establish that there is a causative link between the refusal and property damage a claim can be made pursuant to the statutory provisions provided which deals with such situations.
- Exceptions exist within the aforementioned legislation that allows for tree works to be carried out where trees conflict with highway infrastructure, in this case a streetlamp located adjacent to this group of two yew trees.
- TPO 2365 was made on the 20th October 2025, and the decision for confirmation of this TPO is the 20th April 2026 in order to confirm this preservation order.

3. ENVIRONMENTAL CONSIDERATIONS

Trees such as these yew trees, play a vital role in addressing the climate emergency and enhancing the district's green infrastructure, particularly within the urban environment. Yew trees are capable of being long lived, and as these trees are early mature, they have many years of contributing remaining. They contribute to carbon sequestration by absorbing from the atmosphere and mitigating the effects of climate change.

In addition to their environmental benefits, yew trees are able to support essential habitats for a number of species, including species of birds, and other wildlife benefiting from the dense shelter and food they provide. Therefore, they contribute to the ecological health of the area.

4. ALIGNMENT WITH WINCHESTER TREE STRATEGY

The confirmation of TPO 2365 directly supports the objectives outlined in the Winchester City Council Tree Strategy. By preserving this group of early mature yew 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 this group of two yew trees in providing a positive visual contribution to the local street scheme and character. Whist also supporting wildlife and carbon sequestration, which directly aligns with Winchester City Councils Tree 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 20th April 2026. The tree will then be left vulnerable to being removed. The removal of this tree will have a detrimental impact on the amenity value and also character of the conservation area.

BACKGROUND DOCUMENTS: -

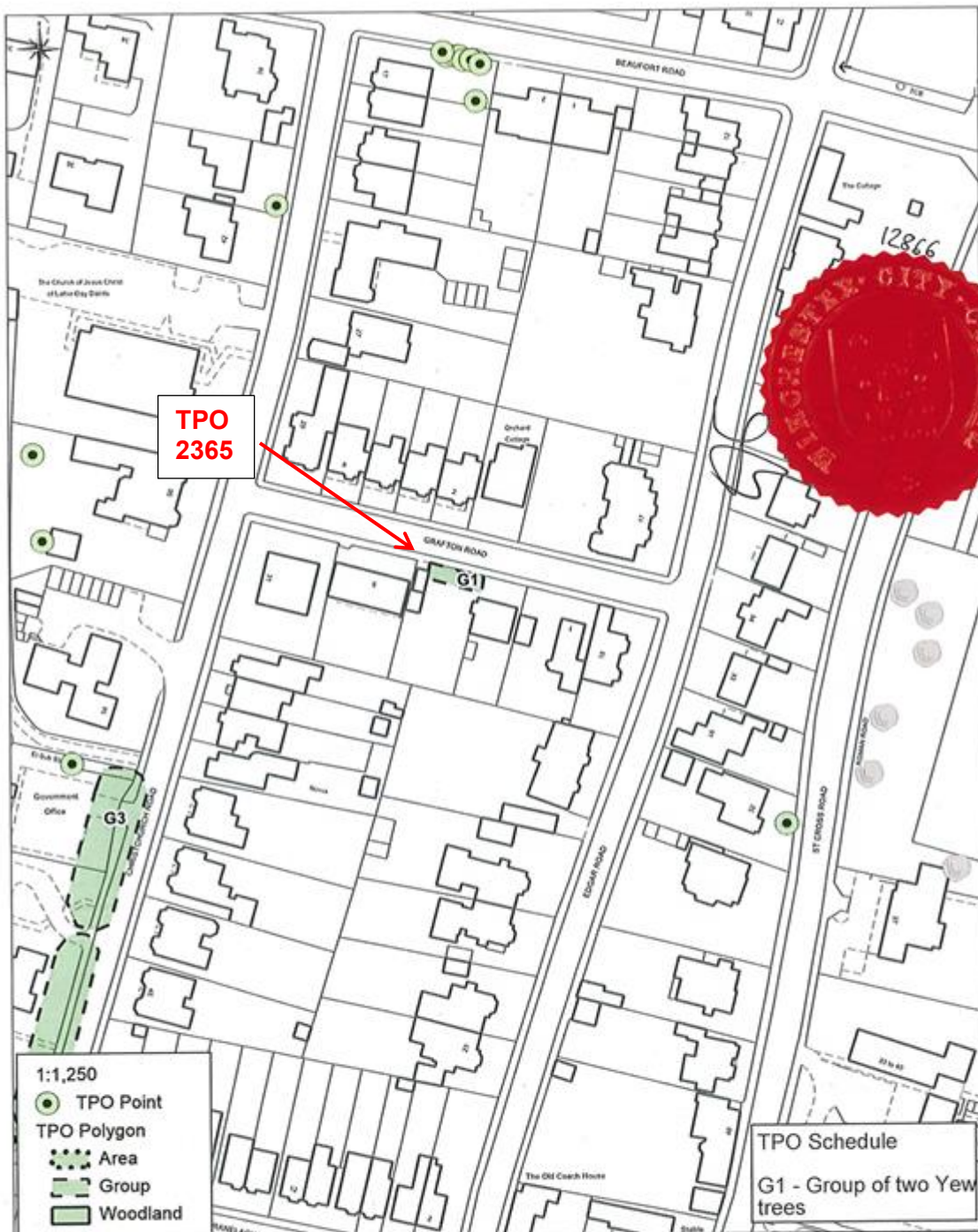
Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.

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 Map



1:1,250
 ● TPO Point
 TPO Polygon
 Area
 Group
 Woodland

TPO Schedule
 G1 - Group of two Yew trees

Scale: 1:1250
 Date: 17 October 2025

TOWN AND COUNTRY PLANNING ACT
 Section 198 - 201
 Tree Preservation Order No. 2365
 Location: Land at Painters Fields House
 3 Grafton Road
 Winchester

 **Winchester**
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