

## 5.1 TPO 7 of 2020

**PROPOSAL:** TPO 7 of 2020 was served to protect the remaining deciduous species located on this land.

**LOCATION:** Located on land to the south of Waystrode Cottages, Spode Lane, Cowden.

**WARD(S):** Cowden & Hever.

### **ITEM FOR DECISION**

The application is referred to committee following an objection to TPO 7 of 2020.

**RECOMMENDATION:** That TPO 7 of 2020 is confirmed without amendment.

### **Description of Site**

- 1 The land is located to the south of Spode Lane and south east of 1 Waystrode Cottages, Spode Lane, Cowden. It is an area of tree lined open land with several trees situated within the boundaries. This land has recently been given over to stabling horses. Consent was granted to construct stables, a hardstanding area and an exercise and riding arena.

### **Policies**

- 2 National Planning Policy Framework (NPPF)
- 3 National Planning Policy Guidance (NPPG).

### **Constraints**

- 4 The following constraints apply
  - TPO 26 of 2010 (to the south of the site).
  - AONB.
  - Metropolitan Green Belt.
  - Biodiversity Opportunity Area.

### **Amenity Value and Visibility of the deciduous trees.**

- 5 These trees can be seen from the main road to the north of the site, the recreation ground to the south and from adjacent properties. They appear to be in a sound and healthy condition and so offer a degree of amenity to the local area. The serving of this Tree Preservation Order would prevent their removal, thus preserving their amenity value in the local area.

## Representations

- 6 An objection has been received to the serving of TPO 7 of 2020. The objectors are Mr and Mrs K Pallas, the landowners.
- 7 Mr and Mrs Pallas object on the grounds that the land is not a woodland and so a woodland order should not have been served.
- 8 Mr and Mrs Pallas also object on the grounds that a woodland TPO is not viable as the land has no regeneration potential and the serving of the order would hinder management work.
- 9 Mr and Mrs Pallas also object on the grounds that a site visit was not carried out prior to the serving of the order and the presence of dead or dangerous trees have not been taken into consideration.
- 10 Mr and Mrs Pallas also object on the grounds that no identification of individual trees or groups of trees has been carried out. The description within schedule 1 simply states mixed deciduous species.
- 11 Mr and Mrs Pallas also object on the grounds that an appropriate assessment of the amenity value of those trees present has not been carried out. They claim that the majority of those trees present are either dead or in decline. No public footpath run across the land and the neighbouring properties have restricted views of those trees present due to the presence of vegetation on their own land.

## Appraisal.

### Consideration of Objections.

- 12 TPO 7 of 2020 was served in response to concerns being raised from a local ward member and several local residents following the felling of several trees at this site. A brief site visit was carried out to ascertain the extent of the felling works. Aerial photography was also studied to determine the extent of the felling. The serving of a woodland TPO was considered to be appropriate as speed was of the essence to prevent further tree felling from taking place.
- 13 The woodland order was also served in the hope that natural regeneration would occur especially along the boundaries of the site. According to the Forestry Commission, *“Woodland is defined in UK forestry statistics as land under stands of trees with a canopy cover of at least 20%, or having the potential to achieve this. The definition relates to land use, rather than land cover, so integral open space and felled areas that are awaiting restocking are included as woodland.”*
- 14 With regards to the objection that the woodland order is not viable, all land has the potential to regenerate. This rather depends on the management of the site. We are not expecting the site to revert to high forest, but regeneration could be encouraged along the property boundaries. The serving of the woodland order would not necessarily prevent the land management currently practiced by the landowners. Whether that be the harrowing of the land, ploughing, re-seeding etc. The purpose of the serving  
(Item No. 5.1)

of the woodland order was to prevent the further removal of mature trees rather than prevent or disrupt the current uses of the land carried out by the owners

- 15 A site visit was carried out, as potentially a full and detailed site visit would have alerted the landowners that the Tree Preservation Order was about to be served and may have resulted in the remaining trees on this site being removed before the notice was actually served.
- 16 With regards to the lack of identification of individual trees or groups of trees being undertaken. Under a woodland TPO there is no requirement to detail individual trees or even groups of trees, including their species.
- 17 With regards to the lack of an assessment of the amenity value of those trees present. The serving of the order prevented the further felling works from taking place and so allow a fuller assessment to be completed. As detailed above, the trees do have amenity value in the local area.
- 18 Those trees that remain offer a degree of amenity as they can be seen from the main road and from neighbouring land.
- 19 Finally, any trees that are dead or dangerous trees may be removed as an exemption, all that is required is 5 days' written notice prior to the necessary works taking place.

#### **Expediency of preserving the remaining trees.**

- 20 The loss of the remaining trees at this location would be detrimental to the local amenity. The serving of this order would retain these trees and control would be exerted on the extent of any future pruning works to them.

#### **Conclusion.**

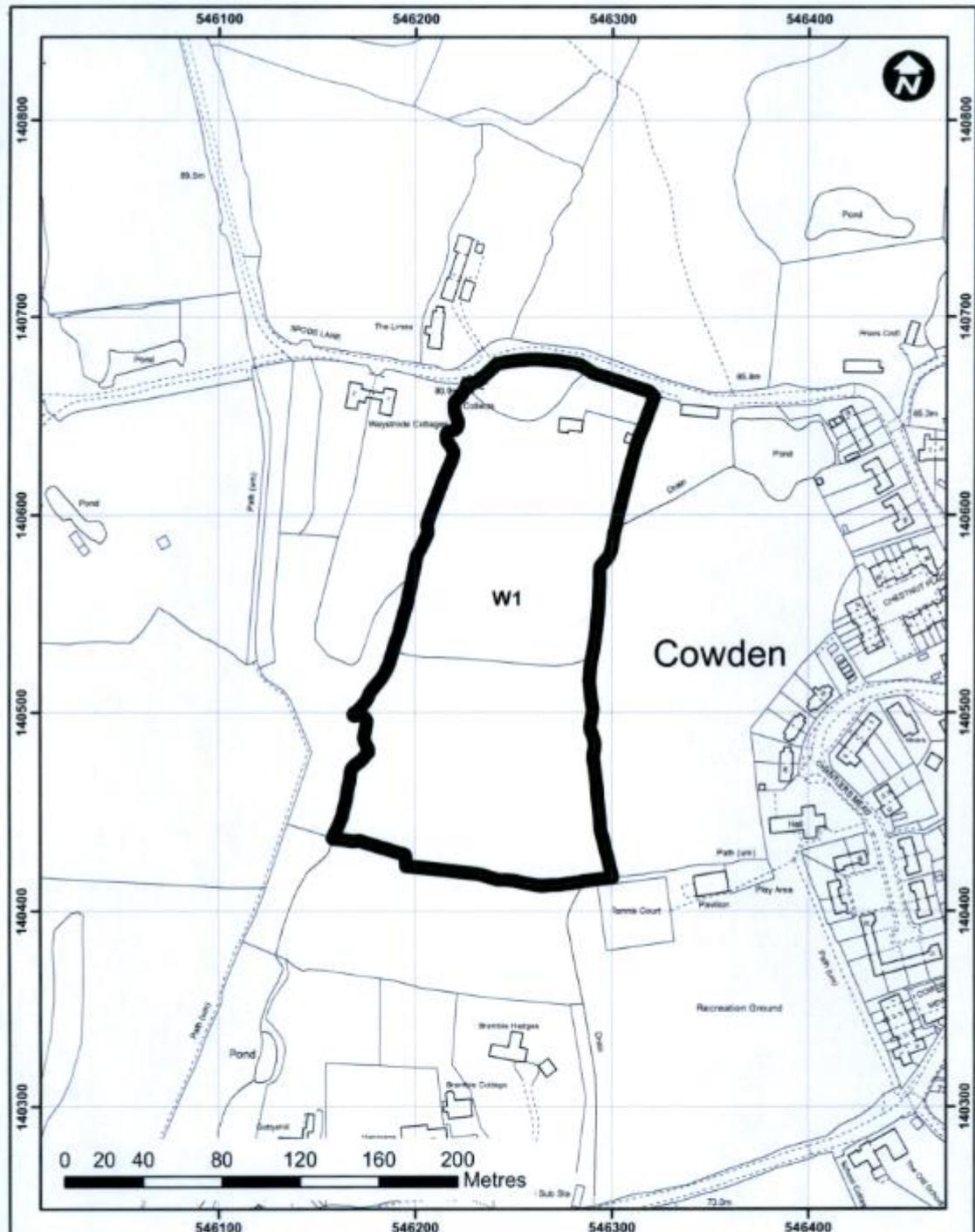
Recommendation: that TPO 7 of 2020 be confirmed without amendment.

TPO plan and Schedule 1 attached as (Appendix 1).

Contact Officer

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**Richard Morris**  
**Chief Planning Officer**



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Ordnance Survey 100019428.

**Tree Preservation Order**

TPO 7 (2020)	Scale: 1:2,500
Land South Of Waystrode Cottages, Spode Lane, Cowden, Kent, TN8 7HW	Date: October 2020

Produced by the GIS Team, Sevenoaks District Council

**SCHEDULE 1**

**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
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**Trees specified by reference to an area**  
(Within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
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**Groups of trees**  
(Within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i> None	<i>Situation*</i>
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**Woodlands**  
(Within a continuous black line on the map)

<i>Reference on Map</i> W1	<i>Description</i> Mixed deciduous species.	<i>Situation*</i> Situated on land to the south of Waystrode Cottages, Spode Lane, Cowden, Kent.
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\* complete if necessary to specify more precisely the position of the trees.