

5.2 - TPO 1 of 2022

PROPOSAL: TPO 1 of 2022 was served in response to a request from West Kingsdown Parish Council. Concerns had been raised following the felling of trees on land adjacent to this site believed to be owned by the same individual.

LOCATION: Located on Land To The South Of 1 Westfield Cottages, Fawkham Road, West Kingsdown.

WARD(S): Fawkham & West Kingsdown.

ITEM FOR DECISION

The application is referred to committee following an objection to TPO 1 of 2022.

RECOMMENDATION: That TPO 1 of 2022 is CONFIRMED WITHOUT AMENDMENT.

Description of Site

- 1 The land is located to the south of 1 Westfield Cottages, Fawkham Road, West Kingsdown. It lies besides an area of ancient woodland known as Church Wood. Agricultural land is situated to the rear of the site and opposite it.

Policies

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

Constraints

- 4 The following constraints apply:
 - TPO 1 of 1951 (to the south of the site)
 - Metropolitan Green Belt

Amenity Value and Visibility of the woodland

- 5 These trees can be seen from the main road to the east of the site, the public footpath to the north and from adjacent properties. They appear to be in a sound and healthy condition and so are of high amenity value due their location. 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 1 of 2022. The objectors are Aspect Arboriculture Ltd, Arboricultural Consultants, on behalf of the landowners.
- 7 Aspect Arboriculture object on the grounds that the land is not a woodland and so a woodland order should not have been served. They claim that it is not ancient woodland or otherwise and that those trees present are either young trees or are of poor quality.
- 8 Aspect Arboriculture also object on the grounds that those trees present are of such poor quality that they have no long term potential with regards to their life span or their future amenity value.
- 9 Aspect Arboriculture also object on the grounds that the degree to which these trees are visible or accessible is limited. Those trees present are lost due to the presence of the ancient woodland behind them. The public footpath to the north of the site offers limited views of the recently protected trees.
- 10 Aspect Arboriculture also object on the grounds that 70 percent of the land on which these trees stand is not under appreciable tree cover and is disturbed land dominated by Japanese Knotweed. There is a concern that the Japanese Knotweed may spread to the neighbouring ancient woodland (Church Wood). This may result in prosecution of the landowner. The presence of the TPO would prevent the mechanical removal of the Japanese Knotweed, as this is claimed to be a quicker course of action than that of chemical control.
- 11 Aspect Arboriculture claim that the order is indefensible as confirming it would not bring a reasonable degree of public benefit now or in the future and so should be revoked.

Appraisal

Consideration of Objections

- 12 TPO 1 of 2022 was served to protect those trees present in response to concerns raised by the parish council following the felling of several trees at an adjacent site. A joint site visit was carried out to inspect the site. The serving of a woodland TPO was considered to be the most appropriate form of order as opposed to an area order or an order protecting individual trees.
- 13 The woodland order was also served in the hope that natural regeneration may occur on this 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". As such a woodland TPO can be served where the site is not 100% covered in trees, but as a little as only 20% of the site is covered in trees. The objector claims that only 30% of the site is covered in trees.

Therefore it is entirely appropriate to serve a woodland TPO in this instance.

- 14 With regards to the objection that those trees present are of poor quality, it is not argued that those trees present are inferior to those located within the neighbouring ancient woodland. However, we cannot predict whether those young trees present will eventually become mature specimens of high amenity value or not as only time will tell. Nor can we predict whether nature regeneration will occur or not over the coming years. What can be seen is that those trees currently occupying the site provide a degree of amenity especially to those cottages located nearby as they provide an effective screen.
- 15 With regards to the visibility or accessibility of this site, those trees present can be seen from the main road to the front, from the neighbouring cottages and from the public footpath located to the north. A public footpath runs through the neighbouring ancient woodland. The entrance to which is located besides the above site. This provides those using the footpath a view of these trees.
- 16 With regards to the presence of Japanese Knotweed, the serving of the above TPO would not prevent the removal of this invasive plant. A formal application would be required for consent together with a management plan detailing how it is to be eradicated. The most effective method of controlling Japanese Knotweed is by applying a glyphosate based herbicide.
- 17 With regards to the final objection regarding the argument that confirming the order would not bring a reasonable degree of public benefit. The visual amenity of retaining the trees is public benefit to the local area. Plus the serving of the TPO has received support by a number of local residents and has the support of the Parish Council.

Expediency of preserving the remaining trees

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

Conclusion

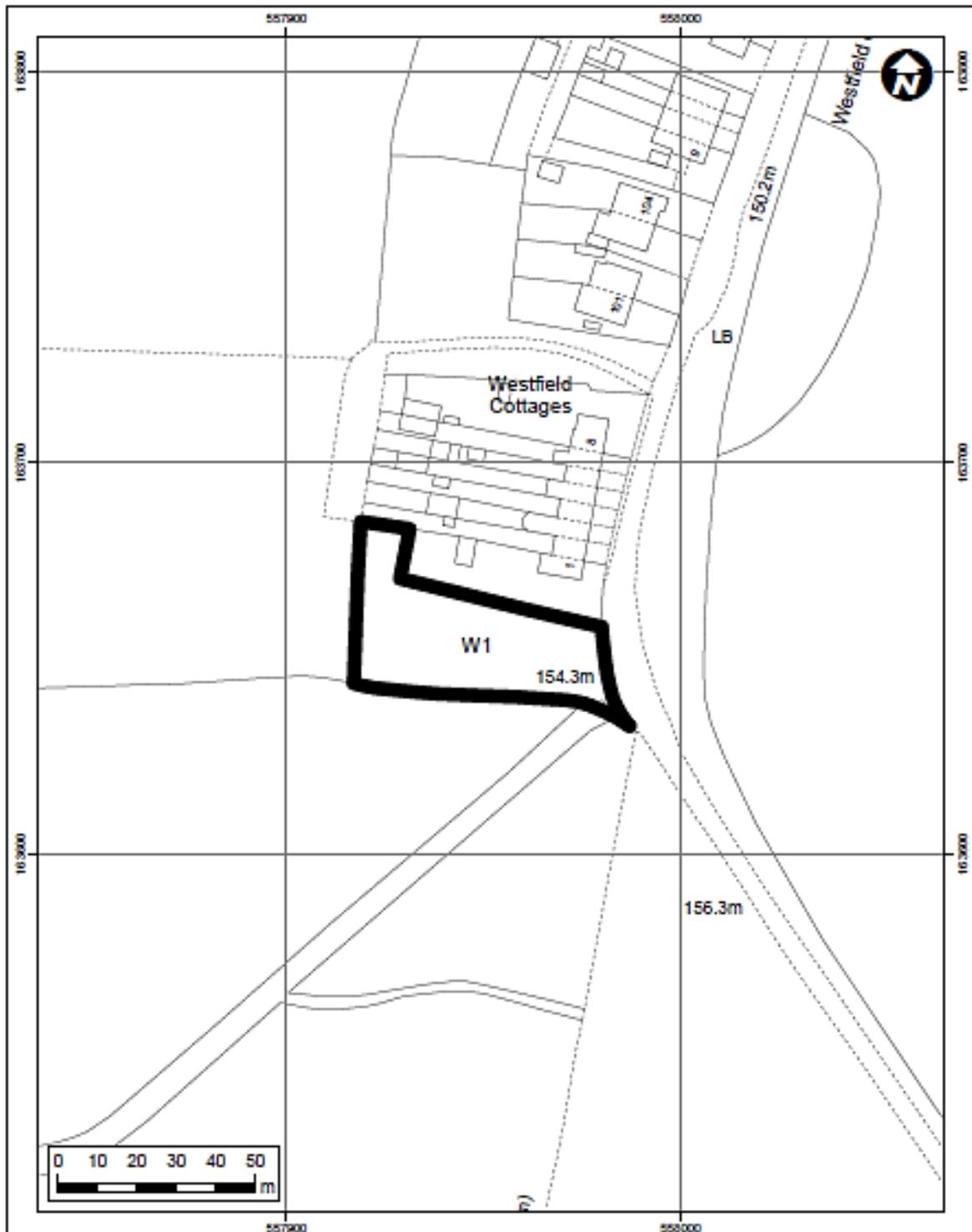
- 19 Recommendation: that TPO 1 of 2022 be confirmed without amendment.

TPO plan with Schedule 1 (as Appendix 1)

Contact Officer

Harry Walker 01732 227000

Richard Morris
Chief Planning Officer



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	TPO 1 (2022)	Scale: 1:1,250 @ A4 Date: January 2022
	Land South of 1 Westfield Cottages, Fawkham Road, West Kingsdown, Sevenoaks, Kent, TN15 6AX	

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Trees specified by reference to an area
(Within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Groups of trees
(Within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Woodlands
(Within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
W1	Mixed deciduous species.	Situated at Land To The South Of 1 Westfield Cottages, Fawkham Road, West Kingsdown, Kent.

* complete if necessary to specify more precisely the position of the trees.