

Appendix No. 4

**Correspondence and objections in relation to
Tree Preservation Order No. 425 (2007)**

19 Stanley Drive, Hornby, Lancaster, LA2 8NA

10 January 2008

Andrew Dobson
Head of Planning and Building Control
Lancaster City Council
Palatine Hall
Dalton Square
LANCASTER
LA1 1PW

Dear Mr Dobson

Tree Preservation Order: No. 425 (2007)
Park Cottages, Deer Park Lane, Hornby with Farleton

Thank you for your letter of 19 December outlining the above.

The trees cited in this Order were regularly maintained by the previous owner and we would welcome continuance of this practice, especially with regard to the sweet chestnuts.

With regard to maintenance of the trees we would mention the following:

We believe that the property may be the subject of a further planning application for the insertion of a driveway from the front of the property, through the grounds with access onto Deer Park Lane at the bottom of the property. We can see that this would vastly improve Judge Appleton's access which at present is limited and, provided we are happy with the plans when they are submitted, would not wish to stand in his way.

When this happens we accept that it may be necessary to fell a young copper beech tree at the bottom of the property by the lane. If this is not the case, however, we would recommend that this tree be regularly lopped in order to maintain it at a reasonable height and also to preserve it in a healthy state. It already has the potential to reach a great height and width, thereby overhanging the lane and eventually obstructing passing traffic. This traffic does include waggons going to the Lunesdale Kennels, articulated lorries transporting logs from Forestry Commission land, horse boxes and other large vehicles, all of which may eventually be impeded by this tree if it is allowed to grow unlopped. It is also beginning to impinge on overhead cables, and threaten views of properties further up the lane. We would be most grateful if this matter could be clarified with Judge Appleton for the well being of the neighbourhood which balance we feel sure he will want to maintain.

Overall we feel that the satisfactory management of this estate will continue to contribute to the overall natural beauty of the area in which we live and that continuance of this practice by Judge Appleton will ensure this. We thank you for your kind consideration of our comments.

Yours sincerely

[Redacted signature area]

~~John Smith~~
19 Stanley Drive

Contact: Planning Services
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

[REDACTED]
Deer Park Cottage
Deer Park Lane
Hornby
Lancaster
LA2 8LF

Planning Services

Maxine Knagg
Tree Protection Officer
Palatine Hall
Dalton Square
LANCASTER LA1 1PW

Date: 17th January 2008

Dear [REDACTED]

Re: Written objection to TPO no.425 (2007), Deer Park Cottages, Deer Park Lane, Hornby

Thank you for your letter dated 9th January 2008.

We accept your formal, written objection against the Council's decision to serve Tree Preservation Order no.425 (2007). The written objection is in compliance with the regulation 3 notice and as such a copy will be forwarded to Democratic Services and a date for a formal Appeal Hearing will be arranged in due course. You will receive notification and an invitation to make a representation at the hearing should you wish to do so.

If in the meantime, you have any queries please do not hesitate to contact Maxine Knagg, Tree Protection Officer.

Yours sincerely

Maxine Knagg
Tree Protection Officer
Tel: 01524 582384

PARK COTTAGE, DEER PARK LANE, HORNBY, LANCASTER LA2 8LF
015242 22313

Andrew Dobson,
Head of Planning and Building Control,
Lancaster City Council,
Palatine Hall,
Dalton Square,
Lancaster LA1 1 PW.

9 January 2008.

Your Ref: TPO No 425 (2007)

From: ~~John Appleton, 2nd Floor, Park Cottage, 22313~~

Dear Andrew Dobson,

Re: Tree Preservation Order No 425(2007) Park Cottage, Deer Park Lane, Hornby
LA28LF

Written Objections and Representations

Objection to the Order is made as follows:

On 16 December 2007 as a chainsaw operator prepared to cut down a recently planted purple beech (situate at the extreme SW of the site- apex of triangle on your diagram), he was accosted by neighbours.

These neighbours made representations that the tree was protected by a preservation order- not true; was in a conservation area- not true; and would require permission from the council to be removed- not true. These statements were deliberately contrived to frighten him into stopping – and succeeded.

These people then contacted the Tree Preservation Officer. She attended site on the morning of the 17th. This the day of our move into the property. John Appleton was on site to supervise the removal men moving furniture in whilst Mrs Appleton remained at our former residence supervising the move out. After a cursory inspection Miss Knagg said that she proposed to advise the Council to make an order because

“Redevelopment is taking place and I want to have a say in it”.

However this is not a ground upon which the order could be made nor is it the ground upon which it purports on its face to have been made. On this basis the order is legally flawed and vulnerable to judicial review proceedings. On the facts her reasoning was also flawed as such development as is taking place does so by virtue of existing planning consents (Ref Nos 07/00278FUL 07/00279/LB).

The order has been made in error. It should be rescinded forthwith.

The tree which occasioned this process is a purple beech planted probably within the last 15 years. No one had ever before planted a purple beech on this site. It is both out of context and out of character with the established tree stock. It was a serious error of judgment to have chosen to plant this foreigner, a choice exacerbated by the location selected.

We acquired this property in April 2007. One of the reasons we so admire the property is the magnificent wooded aspect of the grounds: Beautiful mature trees and all green leaved.

The reason we decided to fell the purple beech go back to 17th March 2007. The existing driveway is dangerously steep. At about 3.30 p.m. that day John Appleton slipped and fell on the drive and sustained a fractured right ankle then spending 6 weeks immobilised in plaster, off work 3 months. An experience not to be undergone a second time nor to happen to anyone else. Better and safer means of access are desirable for health and safety and also in terms of civil liability under the Occupiers Liability/Defective Premises Acts.

Our Architect, Graham Salisbury of Graham Anthony Associates, who obtained the planning consents advised us that a new drive would require a further application for planning consent. Such application is being prepared. It will propose a new access into the property from a gate way situate at the apex of the triangle referred to in paragraph 1 and will require the removal of the purple beech.

Not only is the tree as a purple beech a complete stranger to the existing mature existing tree stock and therefore wholly inappropriate, it would also appear to have been planted without any or any proper foresight as to what it would grow into.

Where it stands, as it increases in size its roots will further encroach on, over and about the water, gas and electricity services buried under the surface of Deer Park Lane, and being only 2 or 3 feet away from the perimeter dry stone wall it will disturb the wall too. Its roots will likely interfere with a nearby substantial surface water drain. Furthermore its branches will grow over the lane and become and remain an obstruction to lawful users of the lane and in legal terms it will be a nuisance to the highway. As if this were not already too lengthy a catalogue of misery, its upper branches already threaten the overhead telephone cables.

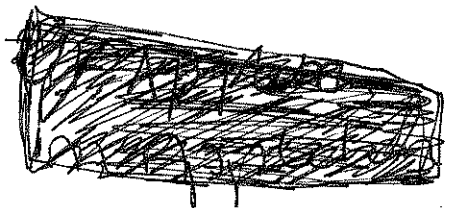
In short there is nothing positive that can be said for the tree. If afforded protection by a preservation order this tree will occasion a constant source of continued administrative time wasting to keep it under control.

In summary: - the neighbours behaved without candour using arguments they well knew to be bogus. They then deliberately involved this council official in an ongoing dispute against other neighbours who want the wretched purple beech cutting down because it takes light from their property and impinges upon their views of the Lune Valley. The council official in too great a haste made the order for illogical and factually wrong reasons, which were also invalid reasons in law. The tree itself, the purple beech, is wholly out of character and context with the existing magnificent green leaved tree stock; it was planted in a position which only a fool would have thought appropriate- a position which will only ever cause increasing disruption and unnecessary administrative involvement.

The order should be rescinded forthwith. It is wholly without merit.

Finally: John Appleton was asked and gave his name to the council official Miss Knagg. He watched her write it down. For an official to thereafter cause to address the communication to Owner/Occupiers, and the letter begin - Dear Sir/Madam- represents an unacceptable level of discourtesy.

Yours sincerely



Contact: Planning Services
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

~~M. P. Connor & M. H. Connor~~
Lorelei
Deer Park Lane
Hornby
Lancaster
LA2 8LF

Planning Services

Maxine Knagg
Tree Protection Officer
Palatine Hall
Dalton Square
LANCASTER LA1 1PW

Date: 11th January 2008

Dear ~~M. P. Connor~~

Re: Written objection to TPO no.425 (2007), Deer Park Cottages, Deer park Lane, Hornby

Thank you for your letter dated 5th January 2008.

We accept your formal, written objection against the Council's decision to serve Tree Preservation Order no.425 (2007). The written objection is in compliance with the regulation 3 notice and as such a copy will be forwarded to Democratic Services and a date for a formal Appeal Hearing will be arranged in due course. You will receive formal notification and an invitation to make a representation at the hearing should you wish to do so.

In the meantime, we are happy for you to contact Maxine Knagg – Tree Protection Officer directly to make suitable arrangements for a site meeting, when she will be happy to discuss the issues that you have raised in your letter of objection.

Please contact **Maxine Knagg – Tree Protection Officer Tel: 01524 582384** to make arrangements for a site visit on a mutually convenient date and time.

We look forward to hearing from you in the near future.

Yours sincerely

Maxine Knagg
Tree Protection Officer
Tel: 01524 582384

Lorelei
Deer Park Lane
Hornby
Lancaster
LA2 8LF

Andrew Dobson
Head of Planning and Building Control
Planning Services
Palatine Hall
Dalton Square
Lancaster
LA1 1PW

5th January 2008

Dear Mr Dobson

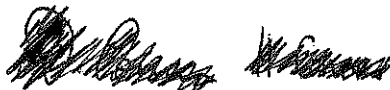
Tree Preservation Order No. 425(2007), Park Cottages, Deer Park Lane, Hornby

With regard to this Preservation Order I would like to register the following objection. I object to a preservation order being placed on the young Beech Tree just inside the boundary wall in the southwest corner of the property. The reasons are:

- The tree is a young tree (approximately 20 years old) which has been planted too near to the boundary walls and will severely encroach over the lane. Large lorries use the lane and therefore branches will need to be lopped to a significant height.
- It is also very close to the overhead telephone cable to my property and other properties further up Deer Park Lane.
- Lopping or pruning of this tree to avoid the above will result in a misshapen tree.
- When this tree reaches full maturity it will reach a height of height of over 100 feet and will have a similar spread. It will severely restrict the view of the Lune Valley from my house, which is one of the main reasons for my buying this house 22 years ago.

The grounds of Park Cottages contain a wealth of mature trees so removing the preservation order from this tree will not have a significant impact on the amenity of the area.

Yours sincerely,



~~David Connor and Hilary Connor~~

Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
Minicom: (01524) 582175
E-mail: ghendren@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: TPO NO. 425 (2007)
Your Ref:

Formal Notice TPO
Served

Letter to:-

Park Cottages, Deer Park Lane, Hornby LA2 8LF
Beech End, Deer Park Lane, Hornby
Lorelei, Deer Park Lane, Hornby
Mr & Mrs Ewens 19 Stanley Drive, Hornby LA2 8NA
Owner/Occupiers 21 Stanley Drive
LCC - Highways

Planning Services

Palatine Hall
Dalton Square
Lancaster
LA1 1PW
DX 63531

19 December 2007

Dear Sir/Madam

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Tree Preservation Order: No. 425 (2007)
**Lancaster City Council:- PARK COTTAGES, DEER PARK LANE, HORNBY-W-
FARLETON**

THIS IS A FORMAL NOTICE to let you know that on 18 December 2007 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: a guide to Tree Preservation Orders*, produced by the Department of the Environment, Transport and the Regions.

THE COUNCIL HAVE MADE THE ORDER BECAUSE:-

The trees make a significant importance to the amenity of the area

The Order took effect, on a provisional basis, on 19 December 2007. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

Continued

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing within 28 days of receiving this notice. Your comments must comply with regulations 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is enclosed. Send your comments to Lancaster City Council, Planning and Building Control, Palatine Hall, Dalton Square, Lancaster LA1 1PW. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Maxine Knagg at Lancaster City Council, Planning and Building Control, Palatine Hall, Dalton Square, Lancaster LA1 1PW or telephone (01524) 582384.

Yours faithfully



ANDREW DOBSON
HEAD OF PLANNING AND BUILDING CONTROL

Objections and representations

4(1) *Subject to paragraph (2), objections and representations*

(a) *shall be made in writing and*

- (i) *delivered to the authority not later than the date specified by them under regulation 3(2)c; or*
- (ii) *sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) *shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and*

(c) *in the case of an objection, shall state the reasons for the objection.*

4(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Planning Services
Maxine Knagg
Tree Protection Officer

Palatine Hall
Dalton Square
LANCASTER LA1 1PW

Date: 18th December 2007

Re: Proposed New Tree Preservation Order – Woodland at Park Cottage, Deer park Lane, Hornby, Lancashire

1.0 Introduction

1.1 **Site:** The woodland in question is established to the front and side aspect of Park Cottage, Deer Park Lane, Hornby.

1.2 **Scope and limitation of this report:** This is an arboriculture report restricted to the trees subject to the proposed new Tree Preservation Order. The information provided within this report has been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection at the time of the site visit. An objective appraisal of the amenity value of the trees in question has also been undertaken using a *Tree Evaluation Method for Preservation Orders (TEMPO)*. It should be noted that trees are dynamic, living organisms subject to changes in weather, climate, pest and disease, development activities and site conditions.

2.0 Site Visit

2.1 **Date:** Undertaken 17th December 2007.

2.2 **Brief Site Description:** The site is an area of privately owned woodland established on a sloping landscape, and elevated location above the village of Hornby. The site lies outside of the local Conservation Area and there is currently no tree Preservation Order affecting trees within the property. The trees in question form a significant woodland belt to the west and south of the main dwelling house, providing important visual and public amenity and are a valuable resource for wildlife.

2.3 The current landowner is considering submitting plans to develop a new access to the main dwelling house which would have important implications for the future of a number of trees within the property if undertaken.

- 2.3 **Identification and condition of the trees:** The trees include early-mature to over mature possibly veteran horse chestnut, sweet chestnut, oak, sycamore, lime, beech and yew trees. For the purpose of this report, the woodland has been identified as **W1**.
- 2.4 **W1** a woodland belt established on steeply sloping landscape. The trees provide important screening to the park Cottage and several other private properties on Deer Park Lane.
- 2.5 The woodland is clearly visible to the public, linking to other adjacent groups of trees providing important cohesion and wildlife corridors.
- 2.6 Generally, trees within the woodland are of a good condition and have the potential to remain form many decades to come.

3.0 Tree Preservation Order

- 3.1 The amenity value of the trees in question has been assessed using an objective and systematic approach; the *Tree Evaluation Method for Tree Preservation Orders* (*TEMPO* system) has been used. A score of 15+ was accumulated, supporting the use of a Tree Preservation Order.
- 3.2 Lancaster City Council consider it expedient in the interests of amenity to make provision for the preservation of the trees in question **under sections 198 (201) and 203 of the Town & Country Planning Act 1990**. Lancaster City Council cites the following reasons:
- Trees form a significant belt and are clearly visible from the public highway, and private residential properties.
 - The trees are prominent landscape features, and have important amenity value.
 - Provide cohesion to adjacent woodland areas.
 - Important wildlife resource.

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer
Planning Services