



## TREE PRESERVATION ORDERS

The Planning Inspectorate provides advice to Inspectors to assist them in carrying out their role consistently and effectively. The Inspectors' Handbook provides advice on procedural and policy matters drawing on relevant Court judgements and the practical experience of Inspectors. Although prepared for Inspectors, this Handbook chapter is publicly available.

The Planning Inspectorate continually updates the Handbook to reflect policy changes, Court decisions and practical experience. In the unlikely event that conflict arises between national policy and guidance, and a part of the Handbook, that particular part will not be given any weight.

The Planning Inspectorate is also working with Communities and Local Government on a new streamlined format for the Handbook to reflect the Killian Pretty recommendation that planning needs to be more user-friendly.

### Legislation

- Town and Country Planning Act 1990 Sections 197 - 214 ('the Act')
- The Town and Country Planning (Trees) Regulations 1999 (SI 1999 No 1892) ('the 1999 Regulations')
- The Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 (SI 2008 No 2260)
- The Town and Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008 (SI 2008 No 3202)

### Guidance

- Tree Preservation Orders - A Guide to the Law and Good Practice (DETR March 2000) ('the Blue Book') ([As amended by CLG Addendum May 2009](#))
- Circular 03/09 - Costs Awards in Appeals and Other Planning Proceedings
- Circular 10/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirement (Paras. 2.58-2.76 relating to tree replacement notices)
- Circular 11/95 The Use of Conditions in Planning Permissions

## **Further Information**

- BS 3998: 1989 Recommendations for Tree Work
- BS 5837: 2005 Trees in Relation to Construction - Recommendations
- Arboriculture Research and Information Notes
- Arboricultural Practice Notes (These Notes cover a wide range of tree issues and are published by the Arboricultural Advisory and Information Service.) Index and Notes available from the Library.
- National Joint Utilities Group, NJUG Publications Volume 4 Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees
- National House Building Council NHBC Chapter 4.2 Building near trees

## **Tree identification and other books**

- A Field Guide to the Trees of Britain and Northern Europe - Alan Mitchell
- Tree Recognition: A Pocket Manual - Ian Richardson
- The Identification of trees (Information sheets from the Tree Advice Trust)
- The Law of Trees, Forests and Hedgerows - Charles Mynors

## **Web Sites**

- [www.treehelp.info](http://www.treehelp.info)

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## Introduction and Policy Context

1. The overarching aim of Government policy is to protect, conserve and enhance the resource, and beneficial influences, of all trees grown primarily for amenity in England, including trees in urban areas.
2. Sections 198 – 210 of **The Town and Country Planning Act 1990** ('the Act') and **The Town and Country Planning (Trees) Regulations 1999** ('the Regulations') (as amended) form the basis for the implementation of policy for the legal protection of trees.
3. Tree preservation orders (TPOs) offer a mechanism for providing legal protection to trees of significant amenity value, particularly where they are considered to be under threat. As part of this protection procedure, appeals may be made to the Secretary of State (SoS).
4. Under S198 of the Act a local planning authority (LPA) may make a TPO if it appears to them to be expedient 'in the interests of amenity' to protect trees or woodlands in their area. Generally, TPOs are made when selected trees and/or groups of trees are threatened by a proposed development, and where the trees' removal would have a significant adverse effect upon the local environment. However, in deciding which trees and woodlands should be protected in the interests of amenity, LPAs exercise a wide discretion. Government advice to LPAs is that they should use TPOs to protect selected trees and woodlands "if their removal would have a significant impact on the local environment and its enjoyment by the public".

## Specifying the trees and woodlands in a tree preservation order

5. Each TPO must specify the trees or woodlands to which it relates. It follows that TPOs should not be used to protect shrubs, bushes or hedges - although a TPO may be used to protect trees growing out of hedgerows or lines of trees of a reasonable height that may once have been managed as hedgerows. TPOs should not normally be made in respect of fruit trees where these are cultivated for the production of fruit in the course of a business or trade, as such work is exempt, although a TPO may be appropriate where the commercial operation is ceasing. It would, however, be reasonable to make a TPO in respect of individual domestic garden fruit trees where these do not form part of a commercial operation. However, the pruning of such a tree, provided that it is in accordance with good horticultural practice, would not be prevented by the TPO (see paragraph 5 (b) & (c) of the model TPO in the 1999 Regulations).
6. Each TPO must include a schedule describing the trees or woodlands and a map showing their location. Trees may be classified:
  - as individual specimens (each tree - T1, T2 etc - shown encircled on the map);
  - in groups (each group - G1, G2 etc - shown within a broken line on the map);
  - by reference to an area of trees (the boundary of each area - A1, A2 etc - indicated by a dotted black line on the map);

- as woodlands (the boundary of each woodland - W1, W2 etc - indicated by a continuous line on the map).
7. Each **individual specimen** should merit protection in the interests of amenity in its own right. The **area** classification, while it will usually apply to a collection of trees with individual amenity value, may include by default trees that would not otherwise merit individual protection. It only protects those trees standing at the time the TPO was made. The **group and woodland** classifications enable the protection of trees that merit protection as a collective unit. In such cases each tree need not individually merit protection in the interests of amenity but the unit, as a whole, should.
  8. A model form of TPO, produced and periodically revised by the Department, has been available to LPAs since 1949. Since 1969 LPAs were required to follow the model form contained in the Town and Country Planning (Tree Preservation Order) Regulations 1969. Since 2 August 1999 a new model form has applied as contained in the 1999 Regulations.

### **The requirement to obtain consent**

9. A TPO prohibits the (1) cutting down, (2) uprooting, (3) topping, (4) lopping, (5) wilful destruction, or (6) wilful damage of the trees protected by the order. Anyone who wishes to carry out such work on a protected tree must apply to the LPA for permission, using the standard application form and providing the required information according to the Regulations. The LPA may refuse, or grant consent and attach conditions. When granting consent for the felling of woodland trees in the course of forestry operations, they may secure the replanting of the land by imposing a direction (as opposed to a condition).

### **Article 5 certificates**

10. If the LPA refuse an application or grant it subject to conditions, they are given powers under any TPO made before 2 August 1999 to issue a certificate stating that:
  - their decision is in the interests of good forestry; and/or
  - the trees, groups or areas of trees, or woodland have an 'outstanding' or 'special' amenity value.
11. This is known as an article 5 certificate. An LPA may issue an article 5 certificate in respect of a tree for which work has been refused or conditions applied, providing the TPO was made before 2 August 1999. Such a certificate removes the LPA's liability to pay compensation for loss or damage suffered as a result of their decision. Government advice to LPAs is that these certificates should be used with discretion, and not simply to avoid liability to pay for any loss or damage that might subsequently arise. LPAs cannot apply article 5 certificates to decisions made on trees that were protected on or after 2 August 1999.

## **APPEALS**

### **Rights of appeal**

12. As part of the protection regime, appeals may be made to the SoS in relation to:

- the LPA's refusal to grant consent for tree works;
- the issue of an article 5 certificate confirming special or outstanding amenity value, or in the interests of good forestry;
- the imposition of conditions on a consent;
- the imposition of a replanting direction on a consent where felling of part of a woodland has been approved;
- the failure of the LPA to issue a decision within two months (or eight weeks - depending on the wording of the TPO) of receipt of an application;
- (in respect of TPOs made after 2 August 1999) the failure of the LPA to agree matters as required by a condition;

13. The SoS has delegated her appeal functions to the Inspectorate and on determining an appeal an Inspector may:

- allow it, either in total or in part;
- dismiss it;
- reverse or vary any part of the LPA's decision;
- cancel or vary any replanting direction;
- cancel any article 5 certificate;
- deal with the application as if it had been made to him/her in the first place.

### **Assessment of site and tree/s**

14. For appeals against refusal or non-determination, where there is no scaled plan or accurately dimensioned plan showing the trees and their location in relation to nearby buildings or structures, site measurements may have to be taken to provide this information. Measurements of the tree(s) may also need to be taken. All measurements should be in metric units. In other appeals the need to take measurements will be a matter of judgement for the Inspector.

15. The following information will usually need to be collected for each tree, although the degree of detail will depend on the site situation and grounds of appeal:

- species of trees
- height
- height of clear stem/clearance from ground to lowest part of crown
- girth or diameter at 1.5m from ground level
- branch spread or canopy shape (if relevant)

- maturity
- past treatment and growth performance
- anticipated growth or response to treatment
- presence/absence of visible defects, abnormalities, damage, damaging agents, disease or decay and their extent and significance
- assessment of amenity both in the context of the immediate location and wider viewpoints.

## Amenity

16. Most TPO appeals are against the LPA's refusal of consent. In these cases the Inspector must always consider:

- the likely impact of the application on local amenity; and
- the appellant's written grounds of appeal (including the reasons given and any additional information submitted in support of the original application); and
- in hearing and inquiry cases, the LPA's written comments on those grounds of appeal (including their reasons for refusing the original application).

17. Amenity issues may need to be considered whether or not the appellant raises them. Appeals can succeed on amenity grounds alone. The grounds of appeal may be misconceived, and there may be no sound arboricultural reasons for the work, but if the proposal would not have a significant impact on local amenity, it may still be appropriate to allow the appeal.

18. However, if the decision relies on factors that were not raised in the representations and would therefore come as a surprise to the parties, it will be necessary to allow them the opportunity to comment before the decision is issued. In view of the need for decisions to be made swiftly, the appeal should therefore normally be determined on the basis of the representations made at application stage and further comment should only be solicited where it is considered essential.

19. CLG advises LPAs to develop ways of assessing amenity in a consistently objective way. Inspectors must, therefore, demonstrate a consistent approach. All decisions should include an assessment of the amenity of the appeal tree, and the likely impact of the proposed work on local amenity. In their amenity assessment Inspectors should consider:

- public visibility of appeal tree;
- the impact of the appeal tree (individually or within its "group" or woodland);
- size and future growing potential;
- presence of other trees;
- suitability to setting;
- any special factors;
- the likely impact of the proposed work on the local amenity.

20. If the appeal tree is part of a group of trees specified in the TPO, the Inspector's decision should consider the likely impact of the proposal on the amenity provided by the group as a whole. It may be that the group of trees has a considerable amenity value, but that the proposed work on the appeal tree would not significantly affect that value.
21. In relation to applications to cut down trees in a woodland, the Inspector should take into account the importance of promoting woodland management, although there may be cases where amenity factors outweigh the silvicultural justification for the proposed work.

### **Article 5 certificates and special or outstanding amenity value**

22. If the appeal is against an article 5 certificate stating that the tree has a "special" or "outstanding" amenity value, the Inspector should consider the LPA's reasons for issuing the certificate and the appellant's reasons for questioning it. The Inspector should include in the decision an assessment of the amenity value of the tree. Can that value reasonably be described as "special" or, as the case may be, "outstanding"? The tree may merit the protection of a TPO "in the interests of amenity" but a certificate should be issued only in respect of the most outstanding of protected trees, or trees which contribute something special in amenity terms (for example, as a screen). In this respect the considerations listed in [paragraph 6.3](#) may be applied.

### **Article 5 certificates and the interests of good forestry**

23. Appeals against certificates stating that the LPA's decision is in the interests of good forestry should be treated on their merits. The phrase "the interests of good forestry" should be given its ordinary meaning, and should not be regarded as interchangeable with "the interests of good arboriculture".

### **Conditions and directions**

24. There are a small number of appeals against conditions (for example, to plant a replacement tree) and directions to replant woodlands.
25. The primary purpose of a TPO is to protect trees from unnecessary or unjustified felling, and the majority of TPOs are made with this intention in mind. However, by their nature all trees will eventually die, and thus they cannot be preserved indefinitely. A secondary, and almost equally important, purpose of a TPO is to secure a continuity of trees on a particular site for the benefit of the local environment. When felling becomes inevitable, a condition requiring replacement planting will secure this objective. However the replacement tree will not be protected by the same TPO as its predecessor. The replacement of protected trees should be supported, provided
- it is in the interests of amenity to do so, and
  - the requirements of the condition or direction are reasonable and necessary.
26. Inspectors should include in their decisions an assessment of how local amenity will be served by the proposed replacement tree. Whether a replacement tree is

likely to be in the interests of amenity will depend on:

- the impact of the original tree's removal on local amenity;
- the extent to which the replacement tree will be publicly visible; and
- its likely impact on amenity (individually or in its "group" or woodland setting) in the long-term.

27. If it is in the interests of amenity to plant a replacement tree, the LPA's condition or direction should be reasonable. Bear in mind that you may use your powers to vary the terms of the condition or direction. Appellants may question the size of tree required, the species or location, or the time given in which to comply with the condition or direction. You should treat each ground of appeal on its arboricultural merits bearing in mind the characteristics of the site and what you would regard to be a common sense solution. If the location of the replacement tree specified in a condition is unsuitable, is there an alternative spot on the site? If the size of the replacement tree were, in your view, unreasonable, what would be a reasonable size? If the species of tree is unsuitable would an alternative species be more appropriate?

### **Conservation areas**

28. If the appeal tree is in a conservation area, Section 72 of the **Planning (Listed Buildings and Conservation Areas) Act 1990** requires the Inspector, before reaching a decision on the appeal, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

29. The appeal file should indicate whether or not the appeal tree is in a conservation area. Inspectors should include in their decisions a brief assessment of the general character and appearance of the area that is in the general vicinity of the tree. They should then go on to assess in the normal way the amenity of the tree and the impact of the proposal on local amenity, but should also include a judgement on the proposal's likely impact on the character or appearance of the conservation area.

### **Dangerous Trees**

30. Permission is not required for the felling or cutting of a tree protected by a TPO if it can be shown that the tree is dead, dying or has become dangerous, or where the work is required to abate an actionable nuisance. LPAs should not determine applications made to them for works to trees which are exempt. It is usually obvious when a tree is dead. However, it can be difficult to ascertain whether it is dying or dangerous. It should be borne in mind that, whilst dangers to the public should be removed as speedily as possible, many tree defects can be dealt with or managed by judicious pruning.

31. Decisions involving potentially dangerous trees should be submitted to the office as soon as possible after the site visit and a note placed on the file identifying the need for the decision to be issued swiftly. As long as this process is followed it should not be necessary for further action to be taken. Under no circumstances should an Inspector make any comment on the safety of the tree during their site inspection.

32. Where exceptionally it is considered that the danger to person/s or property is so imminent that it could occur prior to the issue of the decision then a note should be sent by e-mail to the office as soon as possible following the visit setting out the concerns and the reasons for them. The office will then write to the parties drawing attention to the exemptions contained under Section 198(6) of the Town and Country Planning Act 1990.

### **Content of the decision**

33. The law requires you to have regard to all "material considerations" before reaching a decision, and then state the reasons for your decision to allow or dismiss the appeal. The Inspector must therefore deal with each of the appellant's principal grounds of appeal, although there is no need to deal with every point mentioned in support of those grounds. The original reasons for making the application must also be considered.

34. Grounds of appeal often allege that the appeal tree is unhealthy, potentially dangerous or is causing or will cause damage to buildings, walls, drains etc. Inspectors must deal with each case on its merits, in the light of the written submissions and the site visit. Relevant factors will include the detailed characteristics of the tree, any evidence of damage and the nature of the site.

35. Inspectors are required to determine an appeal on its merits. The fact therefore that work to a tree/s may not require consent because of the exemptions in the Regulations is not a matter that normally needs to be considered. Occasionally however legal points may be raised by appellants that do need to be addressed in the decision. Most legal or procedural points are best dealt with briefly at the start of the decision. Any special designation of the surrounding land or buildings should be particularly referred to e.g. SSSI, AONB, conservation area, listed building.

36. The decision should be as concisely written as possible but should set out clearly the conclusions of the Inspector on such matters as the health and aesthetic value of the appeal tree(s) and the likely effect of the proposal on either the tree(s) the subject of the appeal or on nearby trees. All major issues raised in the grounds of appeal should be commented on and reasoned conclusions arrived at. The Inspector should consider not only the physical impact of what is proposed but must have regard to all the representations made. The Inspector should not introduce points not covered in the submissions. However, if the submissions are too limited or ambiguous to reach a judgement or something of particular relevance was observed during the site visit which was not referred to in the representations it may be necessary to go back to the parties. Advice should be sought from the office before determining whether in a particular case it would be appropriate to do so.

37. The present condition of the tree and its situation must be assessed as seen. However if the grounds of appeal for removal of the tree relate to loss of light and the tree has been heavily reduced and now obstructs less light, it would still be appropriate to consider likely re-growth and future effects of such work. Judgement should also be based on that rather than relying on the present situation only. Continued growth of a tree is always a factor that should be taken into account.

38. If the grounds of appeal for removal of a tree arise from concern for safety which has been impaired by events occurring after the LPA's decision (e.g. storm damage, or groundwork affecting or severing roots) then this must be taken into account. If it has been possible to ascertain the condition of the tree at the time of the refusal of consent by the LPA and a view can be taken as to whether the refusal would have been warranted this should be stated. This should be followed by an explanation of how later events have changed the situation as this may have a bearing on any certificate of compensation issued.
39. If a tree is situated in a conservation area an evaluation should be made not only of the contribution the tree makes to preserving or enhancing the character or appearance of the conservation area, but also the effect of the proposal in that regard. This also applies to replanting whether as part of an appeal or as a proposed condition of consent.
40. Where the appeal relates to felling the Inspector can, if he or she allows the felling of a tree, require the planting of a replacement. Both the LPA and the appellant should have provided comments on whether they believe it would be appropriate to plant a replacement tree and its size, species and location.
41. Although the powers of the Inspector are wide ranging, the use of these powers has to be justified and their exercise is generally constrained by considerations of natural justice. There would need to be very strong reasons to vary or reverse any part of a consent. But this may occur, for instance, where management of a group of trees is being considered on appeal, and the Inspector concludes that different trees within the group should be felled and/or retained to those specified by the LPA in the notice.
42. Less work than that applied for can be approved eg 20% rather than 30%, provided it is of a similar type. Precision and accuracy are particularly important where specific work is being allowed to a tree, especially if the degree of work to be allowed is the subject of the appeal or the wording of the application is imprecise. The required work should be clearly described in the decision and there should be no need to specify the details in a condition.
43. Where the Inspector considers that the work or extent of the work applied for is not justified for the reasons given by the appellant or otherwise, the temptation to give helpful advice as to what alternative works might be appropriate should be avoided. This is a matter for the LPA to consider. However, if the LPA has suggested alternative work and it is considered that this would overcome the problem then it would be helpful to indicate this in the decision.
44. Article 4 of the model order provides for conditions to be applied to consents but places no express restrictions; however any conditions imposed should be clear, precise and reasonable in all respects, and be enforceable.
45. The only express powers in relation to TPOs relate to the number, species, size and position of trees to be planted. If conditions are applied reasons should be given. There is no standard period for the implementation of consent to fell a protected tree. However, consent to fell, or to carry out works, is usually granted subject to a condition that the approved works be

carried out within 1 or 2 years of the date of consent. While guidance is given in Tree Preservation Orders - A guide to the law and good practice (2000) (6.52-6.55), more detailed advice about the use of conditions generally is contained in **Circular 11/95** - The use of conditions in planning permissions.

46. Whilst it is always preferable to be able to come to a definite conclusion on the grounds of appeal, sometimes essential information required to make a definite judgement will not have been provided and could not be ascertained from the visual site inspection. This is most frequently associated with alleged damage or risk of damage to buildings. In these situations it may exceptionally be necessary to conclude that the grounds of appeal have not been substantiated due to insufficient information, in which case the appeal can only be dismissed.

### **Tree Replacement Notices**

47. The enforcement procedures relating to the duty to replace TPO trees are described in paragraphs 2.58-2.72 of **Circular 10/97**, and also in Chapter 11 of the Blue Book. Under S206 of the 1990 Act, landowners are placed under a duty to replace a protected tree that has been felled in contravention of a TPO, or because the tree is dead, dying or has become dangerous. The duty requires the landowner to plant another tree of an appropriate size and species at the same place as soon as he/she reasonably can. Trees which are planted in accordance with the duty are automatically protected by the original TPO, even if they are of a different species.

48. In relation to trees in woodlands, the duty arises only where trees are removed in contravention of the TPO and not because they are dead, dying or dangerous. The duty can be complied with by planting the same number of replacement trees on or near the land on which the original trees stood, or on other land agreed between the LPA and the landowner, and in such places as the LPA designates.

49. If it appears to the LPA that the duty has not been complied with, it may require replacement trees to be planted. This is done by serving on the landowner a Tree Replacement Notice (TRN) under S207 of the Act. The TRN has to be served within 4 years from the date of the alleged failure to comply with the duty to plant a replacement tree. A model TRN can be found at Annex 11 of the Blue Book. The power to serve a TRN is discretionary, dependent upon the amenity value of the removed tree, and the reasonableness of requiring its replacement.

50. Failure to comply with a TRN is not a criminal offence. If a replacement tree is not planted within the period specified in the TRN (which may be extended by the LPA) the LPA may enter the land, plant the tree, and recover from the landowner any reasonable expenses incurred. Anyone who wilfully obstructs a person exercising this power is guilty of an offence and liable on summary conviction to a fine of up to level 3 on the standard scale.

51. A person upon whom a TRN has been served has a right of appeal to the Secretary of State. The procedure for appeals against TRNs is explained in Chapter 12 of the Blue Book. An appeal may be made on any of the following

grounds:

- that the provisions of the duty to replace the trees or the conditions of consent requiring the replacement of trees are not applicable, or have been complied with;
- that the duty to replace trees should be dispensed with in relation to any tree;
- that the requirements of the notice are unreasonable in respect of the period, or the size or species of trees specified in it;
- that the planting of a tree/trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;
- that the place on which the tree is/trees are required to be planted is unsuitable for that purpose.

52. Any appeal must be made in writing before the TRN takes effect. This is an absolute time limit; the Secretary of State has no discretion to accept late appeals. The procedure followed in each case is the same as that for conventional enforcement appeals.

53. On determining an appeal an Inspector may:

- quash the notice;
- correct any defect, error or misdescription in the notice unless the notice is so fundamentally defective that correction would result in a substantially different notice; or
- vary any of its requirements, provided it can be done without causing injustice to either party.

It follows that the notice should be drafted with care.

54. The validity of an Inspector's decision in respect of an appeal against a TRN, or for an associated application for an award of costs, may be challenged in the High Court. The challenge must be made within 28 days of the date of the decision.

## **Costs**

55. For TPO appeals made on or after 6/4/09, costs may be awarded for cases dealt with by fast track appeal procedure, as well as those by hearings and inquiries. Costs applications relating to fast track appeals should be made at the outset of the appeal process but the application is likely to be decided after the Inspector's appeal decision has been issued.

## Annex A: Decision Templates

Please Note: If you have any questions relating to the use of these templates, please contact Sarah Tudor.

TPO Template - *Appeal against conditions*



### Appeal Decision

Site visit made on

by

an Arboricultural Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date:

**Appeal Ref: APP/\*\*\*\*\*/TPO/07/\*\*\*\*\***

**[Address of appeal site]**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of consent to undertake work to [a] tree[s] protected by a Tree Preservation Order subject to conditions.
- The appeal is made by [*appellant's name*] against the decision of [*Council's name*]
- The application Ref: [\*\*\*\*\*], dated [*date*], was approved on [*date*].
- Consent was granted for [.....]
- The conditions[s] in dispute [is] [are] No[s] [ ] which state[s] that: [ ].
- The reason[s] given for the condition[s] [is] [are]: [ ].
- The relevant Tree Preservation Order (TPO) is [*name of order*], which was confirmed on [*date*]

#### Decision

1.

#### [Preliminary Matters]

2.

#### Main Issue/s

3.

#### Reasons

4.

#### Other Matters

5.

#### Conclusions

6.



## Appeal Decision

Site visit made on

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e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date:

**Appeal Ref: APP/\*\*\*\*\*/TPO/07/\*\*\*\*\***

### **[Address of appeal site]**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to undertake work to [a] tree/[s] protected by a Tree Preservation Order.
- The appeal is made by [*appellant's name*] against the decision of [*Council's name*]
- The application Ref: [\*\*\*\*\*], dated [*date*], was refused by notice dated [*date*].
- The work proposed is [.....]
- The relevant Tree Preservation Order (TPO) is [*name of order*], which was confirmed on [*date*]

### **Decision**

1.

### **[Preliminary Matters]**

2.

### **Main Issue/s**

3.

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Date:

**Appeal Ref: APP/\*\*\*\*\*/TRN/07/\*\*\*\*\***

### [Address of appeal site]

- The appeal is made under section 208 of the Town and Country Planning Act 1990 against a tree replacement notice (TRN).
- The appeal is made by [*appellant's name*] against the issuing of the notice by [*Council's name*]
- The Council's reference is [*reference*].
- The notice was issued on [*date*]
- The requirements of the notice are [.....]
- The period of compliance with the notice is [.....]
- The appeal is proceeding on ground/s set out in section 208(1)(\*)
- The relevant Tree Preservation Order (TPO) is [*name of order*], which was confirmed on [*date*]

### Decision

1.

### [Preliminary Matters]

2.

### Main Issue/s

3.

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## Appeal Decision

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Date:

**Appeal Ref: APP/\*\*\*\*\*/TPO/07/\*\*\*\*\***

### **[Address of appeal site]**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made by [*appellant's name*] against [*Council's name*]
- The application Ref: [\*\*\*\*\*], is dated [*date*].
- The work proposed is [.....]
- The relevant Tree Preservation Order (TPO) is [*name of order*], which was confirmed on [*date*]

### **Decision**

1.

### **[Preliminary Matters]**

2.

### **Main Issue/s**

3.

### **Reasons**

4.

### **Other Matters**

5.

### **Conclusions**

6.

## **Annex B: Example decisions**

(to follow)