



# Report to Development Control Committee

Agenda  
Item:

A.2

Meeting Date: 7th July 2017  
Portfolio: Economy, Enterprise and Housing  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: TREE PRESERVATION ORDER 287  
Report of: Director of Economic development  
Report Number: ED/25/17

## Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 287 at Orton Grange Caravan Park, Carlisle in light of an objection to the making of the order.

## Recommendations:

That Tree Preservation Order 287 is confirmed without modifications.

## Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	N/A

## **1. BACKGROUND**

- 1.1 On 7<sup>th</sup> March 2017 a visit was made to Orton Grange Caravan Park following a call from the Residents Association concerning the protection of 13 oak trees within the centre of the park.
- 1.2 A Tree Evaluation Method for Preservation Orders (TEMPO) exercise was undertaken on each tree to assess their suitability to warrant a preservation order being made.
- 1.3 The TEMPO method is broken down into 4 sections, each of which is related to the suitability for a TPO, these being:
  - Condition
  - Retention span
  - Relative public visibility
  - Other factors (such as location, cohesion of a group, historical/commemorative importance and if a tree has good form, is rare or unusual)
- 1.4 All 13 trees scored appropriately to merit a TPO and a notice of intention was served on the 17<sup>th</sup> March 2017 to protect the trees as a group.

## **2. CONSULTATION**

- 2.1 The Parish Council, owners of affected properties, and all those known to have an interest in the land were consulted on the TPO in accordance with the requirements of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2 A site notice was placed adjacent to the site advising of the making of the TPO, and how to object, or make representations.
- 2.3 The 'Statement of Reasons' included in the order states that the group of 13 medium oaks is a large, prominent feature of the site. Due to the size of the group, it is a significant amenity, contributing to the well treed character of the area.
- 2.4 Letters in support of the order were received from 12 residents of the site and are included in 3<sup>rd</sup> party correspondence and have been supplemented by recent photographs.
- 2.5 A letter of objection was received on 18<sup>th</sup> April 2017 from the site owners Mr & Mrs Welch, advising that they would like to remove two trees (L & M) in order to place 3

new static units to the south end of the open area and a Tree Survey Report undertaken by Westwood Chartered Landscape Architects was supplied in support of this. **Appendix A & B**

- 2.6 The survey reports that Tree L (T12/A in the report) is a mature Oak of good form with no visible defects and is placed in Category A, which is a tree of high quality and value with an estimated remaining life expectancy and substantial contribution of at least 40 years.
- 2.7 Tree M (T13/B) is also a mature Oak with some minor basal damage to the bark, possibly from a mower and is placed in Category B. which is a tree of moderate quality and value with an estimated remaining life expectancy and substantial contribution of at least 20 years.
- 2.8 In point 3 of the report it states *‘collectively the tree group surveyed have a moderate/high landscape and amenity value as they provide a partial landscape buffer between the development and the adjacent roads and between homes. They contribute to and define the setting and character of the park and should be retained except 2 trees which must be removed to accommodate the development. This is particularly the case for the 13 Oak trees within the central open space as they occupy a prominent position and provide an attractive landscape feature’*
- 2.9 The report also states that the group of trees are only making a minor contribution to the streetscape image and rural character on the U1134 road which will affect many more visual receptors as they are set well back from the road.

### **3. CONTEXT**

- 3.1 On 21<sup>st</sup> April 2011, Planning Permission 11/0147 was approved (to vary consent of 00/0945) in order to alter the caravan site layout and provide an additional 10 units. This includes 3 units to be positioned within the open park area. **Appendix C**

Condition 3 on planning permission 11/0147 states:

*‘If concreted bases are provided to accommodate the three caravans to be positioned within the central area of the caravan park, the concrete bases shall be built up off the existing ground and the ground levels below the bases shall not be lowered.*

**Reason:** *To minimise the impact upon the root systems of the adjacent trees in accordance with Policy CP5 of the Carlisle District Local Plan’*

**Summary of Reasons for the Decision - Impact Upon Trees Within The Caravan Park.**

*There are trees located within the central area of the park that has the potential to be affected by the proposed development. As the level of caravans to be sited within this area is now proposed to be reduced by half, this current proposal will have significantly less impact upon these trees than the approved scheme.*

*Notwithstanding this fact, in order to minimise the potential impact that this current proposal will have upon these root systems of these trees a condition is imposed that requires the bases for the caravans to be built up off the existing ground levels. Those residents who have objected to the proposal have also expressed concern regarding the impact that the development will have upon red squirrels that are present within the park. Whilst their concerns are noted, as the development will not have a significant adverse impact upon the trees it is not considered that the proposal will have a detrimental impact upon any squirrels in the vicinity.*

*In overall terms, the principle of the development remains acceptable. The proposed modifications can be accommodated without detriment to the existing residents or the trees that are situated within the central area of the caravan park. In all aspects the proposal is compliant with the objectives of the relevant Local Plan policies.*

- 3.2 In consideration of the letter of objection and the planning history for the site there is a clear conflict between the aspirations of the owners and their planning consent. Members must consider this conflict when determining the confirmation of the tree preservation order.
- 3.3 It was the intention when considering application 11/0147 that the trees were not harmed hence the inclusion of Condition 3. It is the owner's intention however, that the location of trees L & M prohibit the development for the 3 units. In this instance they would not comply with Condition 3.
- 3.4 In considering whether or not to confirm the TPO the detailed survey submitted on behalf of the Owners indicates the trees are in Category A and B. On a development proposal, Officers would try to retain trees of this quality, unless required to remove for essential infrastructure and in this instance the tree survey indicates no qualities that would merit removal, other than for the development. It is feasible that alternative development proposals could be put forward which would not necessitate tree removal.
- 3.5 As there are no tree health or management reasons for the trees to be excluded from the order, their merit of inclusion as a group of 13 trees has to be considered.

On the basis that they scored individually sufficient under the TEMPO process for a TPO to be served and they combine to increase group value, it is considered that they should remain part of the TPO.

#### **4. CONCLUSION AND REASONS FOR RECOMMENDATION**

- 4.1 Tree Preservation Order 287 Orton Grange Caravan Site, should be confirmed without modification as it will ensure the safety of wildlife and provide continuing visual amenity of the park which also makes a contribution to the surrounding area.
- 4.2 All 13 oak trees scored within points 12-16+ points giving a decision guide of 'TPO defensible/definitely merits a TPO'. The condition of all the trees is described as 'good'.
- 4.3 They all scored a good retention span of 20 - 100 years.
- 4.4 Although public visibility to the trees is restricted, the group canopy contributes to the area.

#### **5. OPTIONS TO MEMBERS**

- 5.1 To confirm TPO Order 287
- 5.2 To confirm TPO Order 287 with modifications
- 5.3 To refuse to confirm TPO 287

#### **6. RECOMMENDATION**

That Tree Preservation Order 287 is confirmed without modifications.

**Contact Officer:** Sue Stashkiw **Ext:** 7175

**Appendices**  
**attached to report:** **Appendix A – Site Plan of TPO 287**  
**Appendix B – Letter of objection and Tree Survey Report**  
**Appendix C – Planning Permission 11/0147**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- **The Town and Country Planning Act 1990; Planning Practice Guidance Tree preservation orders and trees in conservation areas.**

## **7. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

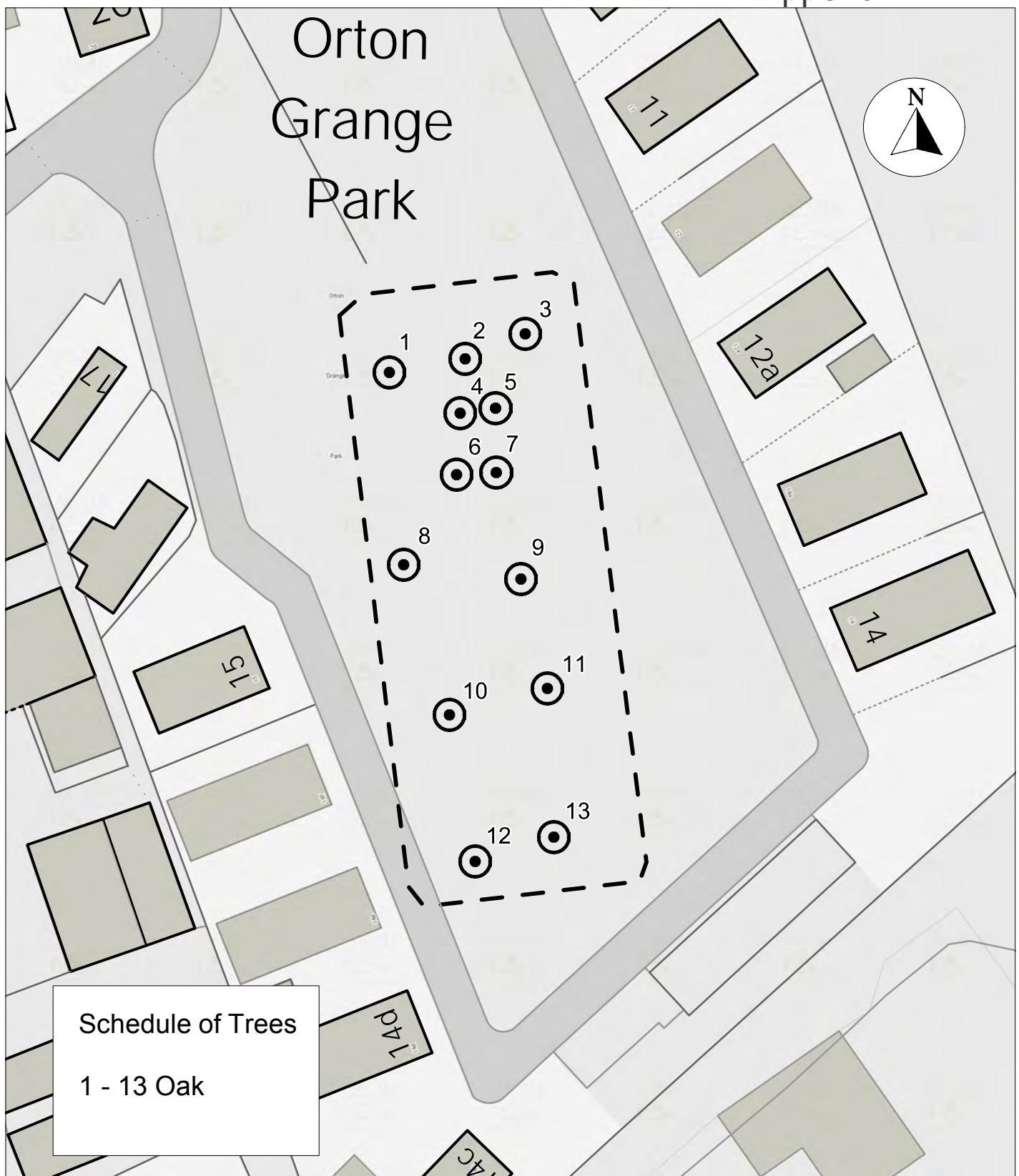
### **CORPORATE IMPLICATIONS/RISKS:**

**Community Services - N/A**

**Corporate Support and Resources – N/A**

**Economic Development – Contained within the report**

**Governance and Regulatory Services** – The Corporate Director of Economic Development, the Development Manager and the Principal Planning Officer each have delegated authority to confirm Tree Preservation Orders in the absence of any objections. As an objection has been received in relation to this particular Order, it falls to the Development Control Committee to consider the objection before deciding whether or not to confirm the Order.



Act 1990 Section 198(1)

**Tree Preservation Order Number 287**  
**Orton Grange Park, Grange Park Road,**  
**Orton Grange, Carlisle CA5 6LT**

Scale: 1:500

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 ordnance survey LA100024459

Date: March 2017

Economic Development, Civic Centre, Carlisle, CA3 8QG



## LANCASHIRE PARKS LIMITED

The Bungalow, Barton Park, Westgate, Morecambe, LA3 3BA

Susan Stashkiw  
Governance and Regulatory Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

18 April 2017

Dear Ms Stashkiw,

We write to confirm our objections to the TPO temporary placed on the trees at our caravan park at Orton Grange.


Please find enclosed a tree survey report from Westwood Landscape chartered landscape architects who supports our argument that the TPO is not necessary.

We currently hold planning permission, granted by Carlisle City Council, to site three park homes in the centre of the park where 13 oak trees have the proposed TPO. If the TPO were to be confirmed it would prevent us from carrying out the development as we will need to remove two of the trees in order to do this, which we are quite happy to replace.

Since purchasing the park myself and my husband have had considerable problems with the residents living there and they are against us from any development of the park. We have now engaged a solicitor who specialises in residential park law due to the non-payment of rent and water increases and also the electric used on the park. We have tried to accommodate the residents on a number of occasions regarding their complaints but feel that non-development of the site is something we are unable to consider. We sincerely hope that you can see this for what it is and remove the proposed TPO.

We do not want to spoil the essence of the park and the trees are a large part of that. They offer an attractive backdrop to the homes and they have a positive impact on the landscape.

Yours sincerely



Mr & Mrs Welch  
Lancashire Park Homes Ltd





Landscape

Chartered Landscape Architects

**TREE SURVEY REPORT**  
**PROPOSED RESIDENTIAL CARAVAN DEVELOPMENT**  
**ORTON GRANGE PARK, CARLISLE CA56LA**

**Rev A 13<sup>th</sup> April 2017**

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## 1 INTRODUCTION

### 1.1 SCOPE OF REPORT

1.1.1 This report represents supporting information to accompany an Appeal against a proposed Tree Preservation Order (number TPO 287) by Carlisle City Council. The TPO has been proposed in response to a proposal for additional static caravans for which Planning Permission has been granted (Application number 11/0147). This report will therefore assess the trees in relation to this proposed development and demonstrates that the retained trees will be protected during the construction and operational phases of the development.

1.1.2 Westwood Landscape, Chartered Landscape Architects (with LANTRA Professional Tree Inspector Certification) were appointed by Mr James Welch of Lancaster Park Homes Ltd to carry out a survey and amenity value analysis of the trees on the development site and appraise the potential impact of the development on retained trees. The surveyors were Bruce Walker B Sc Hons M Phil CMLI and James England NDF BSc (Hons) For Mic For.

1.1.3. The proposals are indicated in Appendix 2 which involves the addition of static caravans within the existing open space of the established caravan park. This proposal has been granted Planning Permission.

1.1.4. The existing access will be retained via the minor road cul-de-sac Orton Park Road off the U1134 road adjacent to the junction with the A595 road. Minor adjustments to the internal access road were approved in the Planning permission granted.

### 1.2 METHODOLOGY

1.2.1. The survey data was recorded in the standard schedule format required by the Local Planning Authority. Survey work is in accordance with BS5837 2012 Trees in Relation to Construction.

1.2.2. Tree height was recorded with a Leica Disto D810 digital laser measure to record distance to the tree base and to automatically calculate height.

1.2.3. Crown height and spread was recorded with a Leica Disto D810 digital laser measure. Trunk circumference is measured by tape at 1.5m above ground level. Root Protection Area (RPA) radius is calculated as stem diameter (d.b.h.) x 12. The RPA for multi-stemmed trees is calculated from the diameter of the individual stems rather than the circumference above the root flare (recent change in the April 2012 update to the BS). The combined stem diameter for trees with 2-5 stems is calculated using the formula '*square root of the sum of individual diameters squared*'. For more than 5 stems a mean value is used. Trunk lean was measured with a clinometer and spirit level.

1.2.4. The Tree Schedule records all the data required in British Standard BS5837: 2012 Trees in Relation to Construction. The criteria used is shown in Appendix 5.

## 2.0 SURVEY RESULTS

### 2.1. LEGISLATIVE PROTECTION

2.1.1. The Town and Country Planning (Trees) Regulations 1999 set out the scope of tree preservation orders and also the scope of the protection afforded to trees in Conservation Areas.

2.1.2. The site is not within a Conservation Area. Thirteen trees in a single group have been designated as a temporary TPO (number 287) with full protection status to be confirmed within 6 months if no Appeal is successful.

### 2.2. SPECIES COMPOSITION AND UNIQUENESS

2.2.1 There were no unique species or specimens recorded and the species composition is typical for a sub-urban commercial development of this nature. No special characteristics or protected or rare species were noted.

## 3. LANDSCAPE AND AMENITY VALUE

3.1 Collectively the tree group surveyed have a moderate/ high landscape and amenity value as they provide a partial landscape buffer between the development and the adjacent roads and between the homes. They contribute to and define the setting and character of the park and should be retained except for 2 trees which must be removed to accommodate the development. This is particularly the case for the 13 Oak trees within the central open space as they occupy a prominent position and provide an attractive landscape feature. However it is worth noting that whilst these trees influence the amenity value for park residents and visitors they make only a **minor** contribution to the streetscape image and the rural character on the U1134 road which will affect many more visual receptors as they are set well back from the road. They are not of particularly high quality, special character, historic value or hold prominent positions which are the factors considered when designating a TPO. We do not consider that TPO designation is justified or necessary for these trees.

3.2 Individually the trees surveyed are of low to moderate/ high landscape and amenity value.

3.3. Trees T1-T13 *Quercus petraea* are of moderate to high landscape and amenity value and should be retained except for trees T12 and T13. The group has a range of arboriculture from high quality A (one tree) to low quality C. This native species group is also of moderate to high ecological value.

3.4. Trees T12 and T13 would have to be removed to accommodate the approved layout but could be compensated for by additional tree planting.

3.5. Trees T14- T28 have low to moderate landscape and amenity value and arboriculture classes B and C. They provide a good landscape buffer between the park homes and the adjacent roads. They contribute moderate ecological value and three of these trees are native Oak and Silver Birch.

#### 4.0 PROTECTION OF EXISTING TREES

Refer to Appendices

4.1 Refer to Tree Protection Plan for location of trees to be retained and extent of Root Protection Areas (RPA's) which form a Construction Exclusion Zone (CEZ).

4.2 Protective fencing to be erected prior to the commencement of any other work to ensure that the trees are protected in accordance with British Standard 5837:2012 Trees in Relation to Construction. Such measures shall be retained for the duration of any approved works. Refer to detailed fencing drawing below in the Appendix.

4.3. Protective fencing must remain intact and in place, and protection procedures must be adhered to throughout the construction period. Removal of protective fencing should be the last job carried out on completion of the project.

4.4. No mechanical traffic should be allowed above a tree's root zone, since this could cause compaction and damage roots. No excavations of any kind to take place within the root zone area of protected trees. No materials should be stored within the RPA or any ground level increase. No re-fuelling or any other activity which may lead to chemical spillage should be carried out within or close to the RPA. No fires to be lit within the RPA.

4.5. In certain circumstances it is possible to accommodate construction activities within the distances recommended by the B.S. 5837:2012 calculation. This may be unavoidable for the viability of the project but will not necessarily lead to tree damage. Such intrusive work within the RPA should be restricted to one side of the tree and the protection zone extended on the other sides to compensate. In these circumstances, sympathetic construction methods must be implemented. Any unavoidable alterations required to the surface above the root zones within the fenced off Root Protection Area should only be carried out after having first produced specific method statements for these activities without the use of mechanical excavators ie all works within this zone should be carried out by hand. These should be submitted by the contractor to the Chartered Landscape Architect or Arboriculture Consultant for approval.

#### 5.0 TREE MANAGEMENT WORK

Refer to Tree Schedule in Appendix 1

5.1. The recommendations in the tree schedule should be implemented. Arboriculture monitoring survey at the end of the third year after development to check for signs of deterioration is advised and to monitor the trees where decay or potential structural instability has been recorded. On-going pruning to maintain healthy growth and treatment of any pest and disease occurrence.



5.2. Some minor pruning may be required to ensure that no tree branches overhang the proposed homes. Any work to the proposed TPO trees must be subject to an application to Carlisle City Council for permission for tree work unless the Appeal to remove the TPO is successful.

## 6. PROPOSED PLANTING

6.1 No proposed planting has been detailed but our recommendation is for supplementary tree planting including Oak to ensure that future replacements are established now for when the mature trees eventually fail. This will ensure that the landscape character of the area will be maintained. A range species should be planted to encourage ecological diversity. All of the existing trees which are worthy of retention will be accommodated into the design and carefully protected.

6.2 The ecological diversity of the area could be further enhanced by the introduction of additional indigenous shrub species such as Hazel and species rich wildflower grass at the margins.

6.3. The proposals brings the opportunity to enhance the existing landscape and introduce age diversity to the trees therefore ensuring continuity of these landscape components and the landscape character.

## 7.0 ARBORICULTURAL IMPLICATION ASSESSMENT AND MITIGATION DESIGN

7.1 As stated in the Supplementary Planning Document Trees and Development 2009 the Arboricultural Implication Assessment considers how a proposed development and its associated trees and hedges will co-exist and interact in the present and future. An Arboricultural Implication Assessment is a document required by the Planning Authority to enable them to satisfy themselves that factors such as root protection, changes in levels, installation of services, material storage, etc have been duly considered during the development layout and that these items will not prove detrimental to the retained trees and hedges. It also needs to address the future issues, such as the long term effects of changing a surface level or the future need to prune or remove trees and hedges because they cast excessive shade or encroach upon property.

7.2. The following factors were assessed:

7.2.1. Levels: Details of the proposed levels were not available but it is anticipated that the proposed hardstanding will be generally at existing ground levels. Care must be taken to avoid level changes within the RPA areas and any access and hardstanding areas must have permeable surfacing (eg gravel over terram) installed at the existing surface to avoid excavation. No kerbs requiring excavation for foundations should be installed with timber edging with peg support being preferable to protect the roots.

7.2.2. Services: The proposed service positions were not available to assess but it is assumed that these will run beneath the existing access road and car hardstanding areas and that no new service excavations will be required within the tree RPA's. There are existing drain runs within the RPA's of the TPO Oak trees and adjustment of these services should be avoided if possible. Maintenance work to these drains and manholes may be required and if this involves excavation it should be done carefully by hand to minimise the disruption to roots.

7.2.3. Water demand: The surface water drainage proposals are not likely to significantly alter the supply to or requirement of the existing trees. The majority of the RPA's of the retained trees

will be within soft landscape areas comprising grass and shrubs with the topsoil being retained at its current level and depth around the trees.

7.2.4. Light: The proposed homes will be at a suitable distance from the retained trees to avoid any significant loss of light issues but some loss of light is inevitable.

7.2.5. Canopy obstruction: There will be no significant restriction to traffic in the construction or operational phases. Some minor pruning work is required to shape canopies and remove some branches to avoid overhang of the proposed homes in accordance with the regulations.

7.2.6. Compaction of tree RPA: No compaction of areas within retained tree RPA's are anticipated. Should the need arise to impose upon the RPA's during the construction phase when heavy goods vehicles will be required additional protection measures should be adopted with a compressible layer and I-Trac or similar temporary road structure or similar over any tree RPA affected.

7.2.7. Storage of materials/ Compound: No material or temporary compound activities will be within the fenced off Construction Exclusion Zones. There is limited space available within the site enclosure as indicated on drawing number L03 Tree Mitigation Plan but phasing of the work will be required to overcome this.

## 8.0 SUMMARY AND RECOMMENDATIONS

8.1. This report represents supporting information to accompany an Appeal against a proposed Tree Preservation Order by Carlisle City Council. The TPO has been proposed in response to a proposal for additional static caravans for which Planning Permission has been granted. This report therefore assess the trees in relation to this proposed development and demonstrates that the retained trees will be protected during the construction and operational phases of the development.

8.2 The site is not within a designated Conservation Area. A new TPO for a single group of 13 Oak trees within the central open space of the park is proposed.

8.3. There were no unique species or specimens recorded and the species composition is typical for a sub-urban commercial development of this nature. No special characteristics or protected or rare species were noted.

8.4. The trees surveyed have a low to moderate/ high landscape and amenity value as they provide a partial landscape buffer between the development and the adjacent roads and between homes and they contribute significantly to the landscape character of the park. However they are not of special quality, landscape value, historic value or occupy prominent positions and are well away from the prominent road corridors and are therefore not worthy of a TPO designation. All the trees should be protected and retained except trees T12 and T13 which will be removed to accommodate the approved development with compensation planting of Oak trees proposed.

8.5. Our recommendation is for supplementary tree planting including Oak to compensate for the loss of trees T12 and T13 and to ensure that future replacements are established now for when the mature trees eventually fail. This will ensure that the landscape character of the area will be maintained. A range of native species should be planted to encourage ecological diversity. All of the existing trees which are worthy of retention will be accommodated into the design and carefully protected.

8.6. An arboricultural implication assessment was carried out to consider how the proposed development and its associated trees will co-exist and interact in the present and future. Factors

such as changes to levels, drainage, water demand, services, compaction, canopy obstruction and loss of light were assessed. This concluded that the effects of the development on the retained trees will be acceptable and not affect their long term health and vitality. The retained trees will not cause problems for the construction or operational phases of the development provided that the proposed upgrading work and services are located to avoid conflict with the tree RPA's.

8.7. We can conclude that the site has the capacity to accommodate the development proposals without deterioration of the retained trees or any significant loss of landscape and amenity value. The development offers an opportunity for substantial landscape improvements. The designation of a Tree Preservation Order to protect the Oak group is not considered necessary or justified provided these recommendations are followed which will ensure that the retained trees are fully protected during the construction and operational phases of the development.



**APPENDIX 1**  
**Tree Schedule**

## **APPENDIX 2**

**Tree Survey and Constraints Plan**

**Aerial photo with Survey overlay**

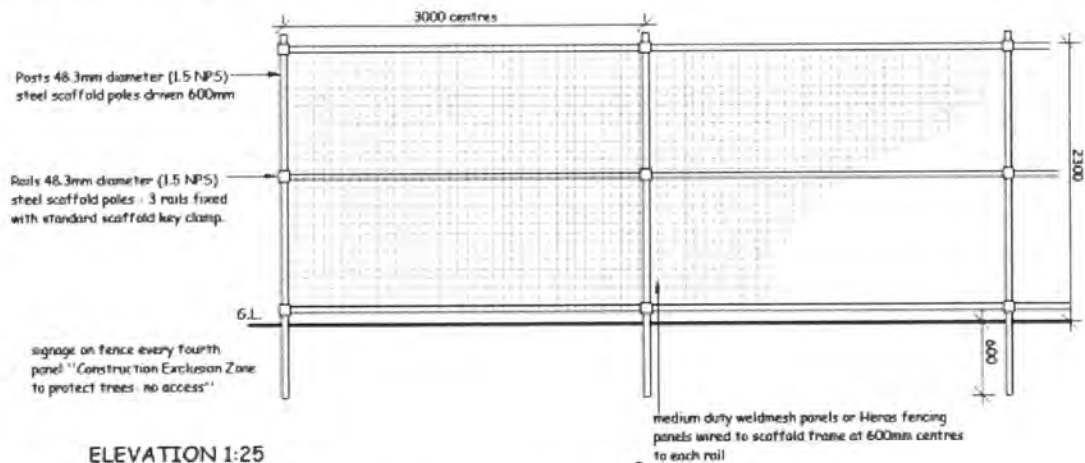
**Aerial Photo with TPO plan overlay**

**Tree Mitigation Plan L03**

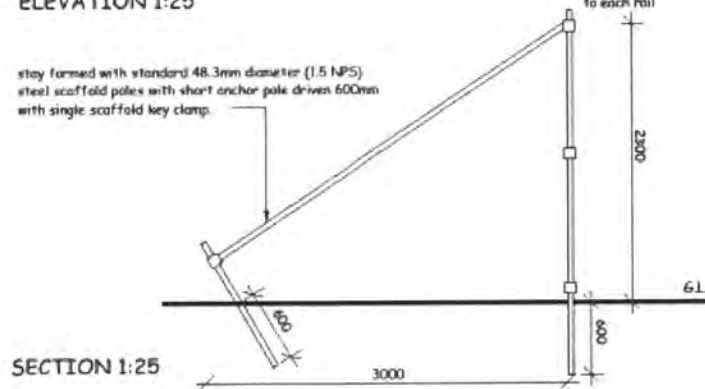
## APPENDIX 3 Photographs

## APPENDIX 4

### Tree Protection Fence Detail



ELEVATION 1:25



SECTION 1:25

**Westwood**  
landscape

www.westwoodlandscape.co.uk  
Chartered Landscape Architects  
BIRMINGHAM, MANCHESTER AND LONDON

TREE PROTECTION FENCE		
NO. OF PLS.	DATE	BY
1	10/10/11	WJ
2	10/10/11	WJ
3	10/10/11	WJ

## APPENDIX 5

### Tree Classification Criteria

#### Classification Criteria

Information on the trees is provided in the Tree Tabular Data as follows:

Species Age Class:-

**RP:** Recently planted trees – up to approximately 5 years old.

**Y:** Young – established tree up to one third the expected ultimate height

**EM:** Early Mature (Semi-mature) – between one third and two-thirds the expected ultimate height. Growth rate still increasing.

**YM:** Young Mature (Semi-mature) – Growth rate stabilises, although tree has not obtained full potential stature.

**M:** Mature – full stature achieved, more or less full height, but still increasing in girth.

**NOTE:** The Young Mature and Mature period may account for approximately half the trees' life span.

**LM:** Late Mature (over mature) – Crown may begin to decline. Annual increment declines or slows down.

Intermediate classifications can be used where trees do not fall clearly within an age class.

Diameter at Breast Height – (dbh. measured in centimetres at approx 1.5m)

Height – (Approximate height measured in metres)

Height of Main Fork – The height of top of main stem.

Height of Crown – The height of the crown (to general lowest point above ground level) where appropriate.

Crown Spread – (approximate crown spread, measured in metres, to each cardinal point)

Condition - A general Classification of Condition: For example, Good; Fair; Poor; Dead; Dangerous, followed by information regarding condition or any other comments regarded as relevant.

Recommendations - Action recommended in the interests of safety and in accordance with good arboricultural practice.

Physiological Condition – Overall appraisal of the trees health / biological condition together with any relevant comments e.g. pests and diseases. Ratings: Good, Fair, Poor, Dead.

Structural Condition – Overall appraisal of the trees structural condition together with any relevant comments e.g. dead, damaged branches. Ratings: Good, Fair, Poor, Dead. Action and Comments (in the context of proposed development).

Recommendations – action required to facilitate the development, for safety or future health of the tree.

1.2.5. The tree quality assessment follows the following scale based on arboricultural qualities, landscape qualities and cultural values including conservation:

## Trees unsuitable for retention

### **Category U**

Trees in a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years and any existing value will be lost within that period. These trees should be removed for sound arboricultural reasons. Note Category U trees can have existing or potential conservation value which might be desirable to preserve if this does not impose an unacceptable risk. Habitat re-instatement or protection may be appropriate for species such as bats. E.g. installation of bat boxes, or leaving as a safe structure of no arboricultural value, but very good for invertebrates, owls, woodpeckers etc.

Examples of trees in this category include:

- Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse. Includes those that will be exposed following removal of other category U trees, because their sudden exposure increases risk of failure.
- Trees that are dead or are showing signs of irreversible, immediate decline.
- Trees infected with pathogens that threaten the health or safety of other trees nearby.
- Very low value trees restricting the growth of specimens of better quality.

## Trees to be considered for retention

### **Category A**

Trees of high quality and value with an estimated remaining life expectancy and substantial contribution of at least 40 years. They be good examples of the species (rare or unusual) or essential components of groups, or of formal or semi-formal arboricultural features. Trees, groups or woodlands which provide a definite screening or softening effect to the locality (views into or out of the site), or those of particular visual importance and high amenity value. These may include trees, groups or woodlands of significant conservation, historical or cultural value.

### **Category B**

Trees of moderate quality and value with an estimated remaining life expectancy and substantial contribution of at least 20 years. They may not achieve Category A rating due to impaired condition from which they may recover. The tree condition, arboricultural, ecological habitat, landscape and amenity value will be lower than Category A trees but higher than Category C trees.

### **Category C**

Trees of low quality and value with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. Trees in a suitable condition to be retained until they mature or improve (if damaged, diseased, misshapen, etc) or until other trees are established. The tree condition, arboricultural, ecological habitat, landscape and amenity value will be lower than Category A and B trees. Removal of Category C trees to accommodate a development is often considered acceptable as replacements trees can achieve the same level of landscape and amenity value quite quickly. Small trees below 150cm girth could be re-located.

# **APPENDIX 1 - Tree Schedule – Orton Grange Park, Wigton Road, Carlisle, Cumbria, CA5 6LA**

Tree ID	Common Name	Botanical Name	Height (m)	Calc. / Actual Stem Dia. (mm)	Crown spread (m)				Height (m) & Orientation of First Significant Branch	Avg. Canopy Height (m)	Life Stage	General Observations	Preliminary Recommendations	Estimated Remaining Contribution (Years)	BS5837: 2012 Category
					N	E	S	W							
T1	Oak (TPO)	<i>Quercus robur</i>	14.7m	590mm	5	4	4	5	3m South	3.5m	Mature	Slight lean east good form.	Retain.	20-40yrs	B
T2	Oak (TPO)	<i>Quercus robur</i>	14m	410mm	3	2	3	2	3m West	4m	Mature	Some deadwood in the crown. Crown showing signs of dieback, tree suppressed by T1 & T2.	Remove deadwood and monitor condition.	10-20yrs	C
T3	Oak (TPO)	<i>Quercus robur</i>	14m	450mm	6	5	5	5	3m East	3.5m	Mature	Forks heavily at 4m.	Retain.	20-40yrs	B
T4	Oak (TPO)	<i>Quercus robur</i>	13m	380mm	4	5	4	5	3m West	3.5m	Mature	Growing close to T5 and suppressed by it.	Retain.	10-20yrs	C
T5	Oak (TPO)	<i>Quercus robur</i>	14m	480mm	5	6	3	5	4m South	4.5m	Mature	No visible defects, good form.	Retain.	20-40yrs	B
T6	Oak (TPO)	<i>Quercus robur</i>	14m	400mm	5	2	5	5	3m West	4.5m	Mature	No visible defects, good form.	Retain.	10-20yrs	C



**APPENDIX 1 - Tree Schedule (continued) - Orton Grange Park, Wigton Road, Carlisle, Cumbria, CA5 6LA**

Tree ID	Common Name	Botanical Name	Height (m)	Calc. / Actual Stem Dia. (mm)	Crown spread (m)				Height (m) & Orientation of First Significant Branch	Avg. Canopy Height (m)	Life Stage	General Observations	Preliminary Recommendations	Estimated Remaining Contribution (Years)	BS5837: 2012 Category
					N	E	S	W							
T7	Oak (TPO)	<i>Quercus robur</i>	14m	420mm	5	6	4	3	3m East	4m	Mature	Growing close to T6, some minor deadwood noted.	Remove deadwood and retain.	10-20yrs	C
T8	Oak (TPO)	<i>Quercus robur</i>	14m	490mm	5	5	5	6	3m South	4m	Mature	Leaning heavily east.	Retain.	10-20yrs	C
T9	Oak (TPO)	<i>Quercus robur</i>	16.8m	520mm	5	5	5	5	3m North	4.5m	Mature	Good form, highest value tree on the site.	Retain.	40+	A
T10	Oak (TPO)	<i>Quercus robur</i>	14m	430mm	5	5	5	4	2m West	5m	Mature	Reasonable form no defects noted.	Retain.	20-40yrs	B
<del>T11</del>	Oak (TPO)	<i>Quercus robur</i>	16m	550mm	6	7	6	6	3m South	4m	Mature	Some occluded wounds, and minor deadwood in crown.	Remove deadwood.	40+	A
T12	Oak (TPO)	<i>Quercus robur</i>	16m	460mm	6	5	5	6	3m South	3.5m	Mature	No visible defects and good form.	Removal to facilitate the development unless alternative layout adopted. In an area where underground services exist.	40+	A
T13	Oak (TPO)	<i>Quercus robur</i>	11.6m	320mm	4	4	4	4	1.5m South	3m	Mature	Some minor basal damage to bark. Looks like mower damage.	Comment as for T12 above	20-40yrs	B

**APPENDIX 1 - Tree Schedule (continued) - Orton Grange Park, Wigton Road, Carlisle, Cumbria, CA5 6LA**



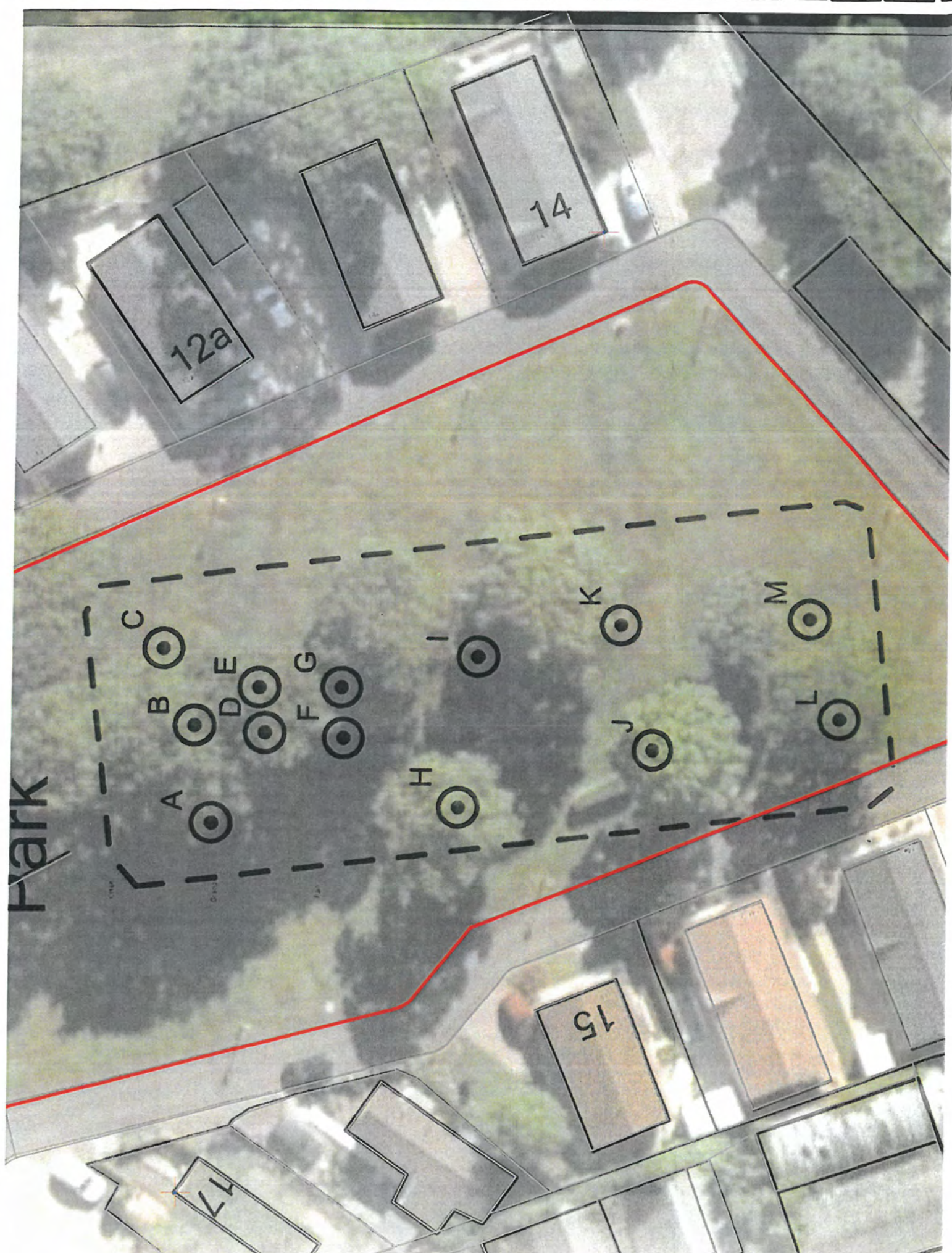
Tree ID	Common Name	Botanical Name	Height (m)	Calc. / Actual Stem Dia. (mm)	Crown spread (m)				Height (m) & Orientation of First Significant Branch	Avg. Canopy Height (m)	Life Stage	General Observations	Preliminary Recommendations	Estimated Remaining Contribution (Years)	BS5837: 2012 Category
					N	E	S	W							
T14	Apple	<i>Malus domestica</i>	3m	130mm	1	2	1	2	South 1.5m	1.5m	Middle aged	Leaning south.	Retain.	10-20yrs	C
T15	Purple cherry plum	<i>Prunus cerasifera</i> 'Nigra'	6m	180mm 110mm	2	2	2	2	West 1m	1.5m	Young	Twin stem.	Retain.	10-20yrs	C
T16	Common laburnum	<i>Laburnum anagyroides</i>	7m	170mm 110mm 110mm 100mm 120mm	2	2	2	2	West 1m	1.5m	Middle aged	Splits into 5 stems. Would benefit from a crown reduction.	Retain and crown reduce.	10-20yrs	C
T17	Flowering cherry	<i>Prunus</i> spp.	2m	60mm 50mm	1	1	1	1	East 1m	2m	Young	Fastigate upright form. Under the BS5837 size threshold. Strimmer damage to the base.	Retain.	10-20yrs	C
T18	Copper beech	<i>Fagus sylvatica</i> f. <i>purpurea</i>	12m	450mm	4	4	4	4	West 3m	4m	Middle aged	Prune the two previously cut branches back to branch bark collar ridges.	Retain. Remove ivy from base.	10-20yrs	C
T19	Norway Spruce	<i>Picea abies</i>	13.7m	380mm	4	4	4	4	North 3.5m	3.5m	Middle aged	No visible defects.	Retain. Remove ivy from base.	20-40yrs	B
T20	Norway Spruce	<i>Picea abies</i>	14m	310mm	4	4	4	4	North 3.5m	3.5m	Middle aged	No visible defects.	Retain.	20-40yrs	B

Tree ID	Common Name	Botanical Name	Height (m)	Calc. / Actual Stem Dia. (mm)	Crown spread (m)				Height (m) & Orientation of First Significant Branch	Avg. Canopy Height (m)	Life Stage	General Observations	Preliminary Recommendations	Estimated Remaining Contribution (Years)	BS5837: 2012 Category
					N	E	S	W							
T21	Norway Spruce	<i>Picea abies</i>	14.1m	460mm	4	4	4	4	North 3.5m	3.5m	Middle aged	No visible defects.	Retain. Remove ivy from base.	20-40yrs	B
T22	Beech	<i>Fagus sylvatica</i>	13m	310mm	3	3	3	3	South 3.5m	4m	Middle aged	Poor form, remove long branch leaning to south.	Retain.	10-20yrs	C
T23	Cherry	<i>Prunus avium</i>	12m	220mm 340mm	4	3	3	3	South 3m	4m	Middle aged	Twin stem at 60cm.	Retain.	10-20yrs	C
T24	Silver birch	<i>Betula pendula</i>	12m	420mm	4	4	4	4	West 4m	4.5m	Middle aged	Poor form, decay noted in branch stub.	Monitor carefully, remove ivy.	10-20yrs	C
T25	Silver birch	<i>Betula pendula</i>	13m	250mm	3	3	4	4	West 4m	4.5m	Middle aged	Poor form.	Retain.	10-20yrs	C
T26	Oak	<i>Quercus robur</i>	4m	500mm	2	2	2	2	N/A	N/A	Mature	Tree has been pollarded. Metal noted growing in stem. Decay noted in the branch wounds.	Monitor carefully.	10-20yrs	C
T27	Oak	<i>Quercus robur</i>	14m	350mm	4	3	4	4	North 3.5m	6m	Middle aged	Good form, Remove ivy	Retain.	20-40yrs	B
T28	Horse chestnut	<i>Aesculus hippocastanum</i>	14m	450mm Est.	4	4	4	5	West 2m	3m	Middle aged	On boundary, heavy ivy cover.	Remove ivy.	10-20yrs	C





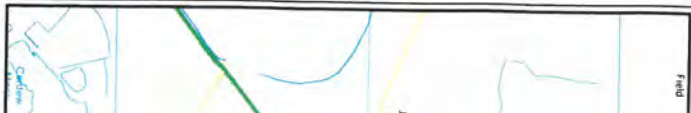














**Economic Development  
Planning Services**  
Civic Centre, Rickergate, Carlisle, CA3 8QG  
Phone: 01228 817000 Fax: 01228 817199  
Typetalk: 0800 95 95 98  
Email: DC@carlisle.gov.uk

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## Application for Planning Permission Notice of Approval

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Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure)  
(England) Order 2010

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Applicant: Agent: (if any)

Barton Park Homes  
Willow Grove  
Sandy Lane  
Preesall  
Lancs  
FY6 ORB

Mr Colin Holmes  
104 Cambridge Road  
Waterbeach  
CAMBRIDGE  
CB25 9NJ

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### Part 1 - Particulars of Application

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Date of Application: 01/03/2011

Application Number: 11/0147

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Particulars and Location of Proposal:

**Proposal:**

**Variation Of Condition No.2 Of Planning Consent 00/0945 To Allow Additional 10no. Residential Caravans And Alterations To Site Layout (Alteration To Site Layout Previously Approved Under Reference 02/1227)**

**Location:**

**Orton Grange Caravan Site, Great Orton, Carlisle CA5 6LA**

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### Part 2 - Particulars of Decision

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In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

1. The approved documents for this planning permission comprise:
  1. The planning application form received 24th February 2011;
  2. The site location plan received 1st March 2011;
  3. The site layout plan received 24th February 2011 (Drawing No. OG-P-20);



4. Any such variation as may subsequently be approved in writing by the Local Planning Authority; and
5. The Notice of Decision.

**Reason:** To define the permission.

2. This planning permission grants consent for the siting of a total of no more than 33 mobile homes at Orton Grange Caravan Park.

**Reason:** For the avoidance of doubt.

3. If concreted bases are provided to accommodate the three caravans to be positioned within the central area of the caravan park, the concrete bases shall be built up off the existing ground and the ground levels below the bases shall not be lowered.

**Reason:** To minimise the impact upon the root systems of the adjacent trees in accordance with Policy CP5 of the Carlisle District Local Plan.

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### **Summary of Reasons for the Decision**

This revised application seeks planning permission retrospectively for the variation of condition 2 of application 00/0945 to allow the siting of ten additional residential caravans at Orton Grange Caravan Park, Orton Grange, Carlisle. The caravan park is situated three miles to the southwest of Carlisle just off the A595 leading to Wigton. The caravan site has access from the minor road that leads to Dalston from the A595.

In 2003 planning permission was granted for the ten additional residential caravans, together with modifications to the site layout. That permission has been implemented and the alterations to the site layout are largely complete. In undertaking these works the position of those additional caravans to be sited at the southern extent of the park varied from those shown on the approved plans. This current application has been submitted at the request of the City Council to regularise these unauthorised changes.

The fundamental changes proposed by this application relate to the position of caravans along the south eastern boundary of the site, where there were none shown on the approved plans, and a reduction in the number of caravans to be located in the central area from six caravans to three.

No specific details of the caravans have been submitted; however, they will conform to the definition of a caravan, as provided by The Caravan Sites and Control of Development Act 1960. It is proposed to discharge foul drainage to the existing treatment plant, which was installed following the 2003 planning approval, with surface water disposed of through soakaways.

In considering this application Policies DP1, CP5, CP12, H1 and H7 of the Carlisle District Local Plan 2001-2016 are relevant.



The proposals raise the following planning issues:

1. Principle Of The Development.

The principle of siting additional residential caravans in this location is contrary to the objectives of Policies H1 and H7 of the Carlisle District Local Plan; however, the principle of accommodating these units was established through the approval of an earlier application in 2003. As the aforementioned scheme has been implemented it remains extant and could, theoretically, be complied with. As such, the principle of the development, whilst not according with current policy guidance, remains acceptable.

A local resident has expressed concern that should this scheme be permitted it may result in further residential caravans being provided within the park. If, at a later date, an application was submitted to increase the number of residential caravans above the thirty three residential caravans that can lawfully be present on this site the Council would resist the proposal on the basis that it is contrary to the current policy guidance.

In order to avoid any ambiguity regarding the permitted number of residential caravans a condition is imposed which identifies that the number of residential caravans is restricted to thirty three.

2. The Impact Of The Proposal On The Living Conditions Of The Existing And Future Residents.

The proposal relates to a caravan site where the required minimum distance between opposing windows in adjacent caravans is 6 metres. As such, the "standard" minimum distances between primary windows in residential dwellings cannot reasonably be applied in respect of this proposal. The minimum distance that is required between caravans has been achieved and, therefore, the proposal is acceptable in that regard.

3. Whether The Alterations To The Site Layout Are Acceptable.

The proposed alterations to the approved position of the caravans are acceptable. Two residents have expressed concern that the siting of caravans within the central area will compromise the amenity of existing residents as, in their view, this area should be retained as amenity space.

In respect of the historic use of the park, the central area was not reserved as amenity space for the occupiers of the residential caravans, but for the siting of touring caravans. It should also be noted that under the approved scheme six residential caravans were to be sited within the central area and, therefore, this current proposal will result in a reduction of the number of residential caravans within this area from six to three.

4. Impact Upon Trees Within The Caravan Park.

There are trees located within the central area of the park that have the potential to be affected by the proposed development. As the level of caravans to be sited within this area is now proposed to be reduced by half, this current proposal will have significantly less impact upon these trees than the approved scheme.

Notwithstanding this fact, in order to minimise the potential impact that this current proposal will have upon these root systems of these trees a condition is imposed that requires the bases for the caravans to be built up off the existing ground levels.

Those residents who have objected to the proposal have also expressed concern regarding the impact that the development will have upon red squirrels that are present within the park. Whilst their concerns are noted, as the development will not have a significant adverse impact upon the trees it is not considered that the proposal will have a detrimental impact upon any squirrels in the vicinity.

In overall terms, the principle of the development remains acceptable. The proposed modifications can be accommodated without detriment to the existing residents or the trees that are situated within the central area of the caravan park. In all aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

Whilst two letters of objection have been received, under the City Council Constitution, Section 2B, Paragraph 1.1(vi), the application can still be determined under the delegated powers procedure unless more than three objections are lodged from separate households or other interested parties, which are contrary to the prospective decision.

## **Relevant Development Plan Policies**

### **Carlisle District Local Plan 2001 - 2016**

#### **Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations**

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on

vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

#### **Carlisle District Local Plan 2001 - 2016** **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

#### **Carlisle District Local Plan 2001 - 2016** **Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment**

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

#### **Carlisle District Local Plan 2001 - 2016** **Housing - Policy H1 - Location Of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban

area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

- 1 the site is well related to the landscape of the area and does not intrude into open countryside; and
- 2 the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
- 3 the layout of the site and the design of the buildings is well related to existing property in the village; and
- 4 the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
- 5 appropriate access and parking can be achieved; and
- 6 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 7 the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhiton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

## **Carlisle District Local Plan 2001 - 2016**

### **Housing - Policy H7 - Agricultural, Forestry And Other Occupational Dwellings**

Outside of those areas covered by Policy H1 and Proposal H16, permission will not be given for dwellings other than those essential to agriculture, forestry or any other rural-based enterprise and supported by a proven need. The size of dwelling should be commensurate with the scale of the business to which it relates. Occupancy conditions will be used to ensure that such dwellings are only occupied by those working in agriculture, forestry or any other rural-based enterprise.



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Date: 21/04/2011

Signed:

Jane E Meek  
Assistant Director (Economic Development)

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### **Important Note**

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

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### **Advisory Notes**

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
- ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.

### **Notice to Applicant of Rights of Appeal**

- Where an application for planning permission has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- Appeals must, however be made within six months of the date of this notice. Appeal forms and guidance can be downloaded from The Planning Inspectorate web site [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). Alternatively they can be obtained from the following address: -

The Planning Inspectorate  
Customer Support Unit  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL  
BS1 6PN

Telephone: 0117 372 6372

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

### **Further Information**

- The Planning Portal web site ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) contains a range of planning-related guidance and services, which are useful at both the application and appeal stage.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

