

# Report to Development Control Committee

Agenda  
Item:

**A.2**

Meeting Date: 25 July 2014  
Portfolio: Economy and Enterprise  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: REVOCATION OF TREE PRESERVATION ORDER 43 STONE  
HOUSE, HAYTON & 57 CHATSWORTH SQUARE  
Report of: Director of Economic Development  
Report Number: ED. 24/14

## **Purpose / Summary:**

This report proposes the revocation of Tree preservation Order 43 Stone House, Hayton and Tree Preservation Order 57 Chatsworth Square as part of the ongoing Tree Preservation Order Review

## **Recommendations:**

Tree Preservation Order 43 and 57 be revoked.

## **Tracking**

Executive:	
Overview and Scrutiny:	
Council:	

## **1. BACKGROUND**

- 1.1** Planning Practice Guidance “Tree Preservation Orders and trees in conservation areas” advises Local Authorities to keep their Tree Preservation Orders under review, and where appropriate vary or revoke the Order.
- 1.2** Examples of reasons to vary or revoke Tree Preservation Orders include:
- (i) Land has been developed;
  - (ii) Trees, for whatever reason, no longer merit protection by an Order;
  - (iii) Trees standing when the Order was made have been removed; or
  - (iv) Errors within the Tree Preservation Order may come to light. When an error comes to light the Local Planning Authority should consider using its variation and revocation powers set out in the Town and Country Planning Act 1990 SCHEDULE 1 Section 13 to put it right.
- 1.3** Tree Preservation Order 43 Stone House Hayton was identified as not accurate; several trees shown on the Order no longer exist and the land has been developed resulting in the map being out of date.
- 1.4** A replacement Tree Preservation Order was made and confirmed prior to proposing the revocation of Tree Preservation Order 43 Stone House Hayton so there will be no loss of protection to the important trees on the site.
- 1.5** Tree Preservation Order 57 Chatsworth Square protects trees that are also protected by their location in the Chatsworth Square/Portland Square Conservation Area. The Tree Preservation Order was made in 1983, nine years prior to the designation of the conservation area.
- 1.6** Conservation areas provide protection to the trees similar to that afforded to trees protected by Tree Preservation Orders. Anyone wishing to carry out works to a tree in a conservation area must give six weeks prior notification of the proposed works to the local planning authority.
- 1.7** Having a Tree Preservation Order on trees in a conservation area, unless circumstances dictate otherwise, such as the receipt of unacceptable prior notifications, represents an unnecessary level of bureaucracy and management.

- 1.8** There have been no notifications to work on the protected trees since 1995. The conservation area protection will ensure that no works can be carried out, other than certain exempted works, without the agreement of the local planning authority.

## **2. PROPOSALS**

- 2.1** Tree Preservation Order 43 Stone House, Hayton and Tree Preservation Order 57 Chatsworth Square be revoked.

## **3. CONSULTATION**

- 3.1** Consultation was carried out with the property and land owners affected by Tree Preservation Order 43 Stone House, Hayton, and in respect of Tree Preservation Order 57, the Chatsworth Square Garden Management Company Ltd.

- 3.2** No responses were received.

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

- 4.1** Government guidance requires local Planning authorities to review their Tree preservation Orders ensuring they are accurate, up-to-date and enforceable.
- 4.2** Tree Preservation Order 43 Stone House, Hayton remains valid but has been superseded, is not accurate, and remains a land charge on the properties. As a matter of good practice and to avoid confusion Tree Preservation Order 43 Stone House, Hayton should be revoked.
- 4.3** The trees in Chatsworth Square benefit from the protection afforded by the conservation area. In order to remove an unnecessary duplication of protection, it is recommended that Tree Preservation Order 57 be revoked.

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

- 5.1** Helps create a pleasant environment in which to live and work and engendering a pride in place.

**Contact Officer:** Charles Bennett **Ext:** 7535

**Appendices attached to report:** Appendix 1 Maps of Tree Preservation Order 43 Stone House, Hayton and Tree Preservation Order 57 Chatsworth Square.

**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:**

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**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – None**

**Community Engagement – None**

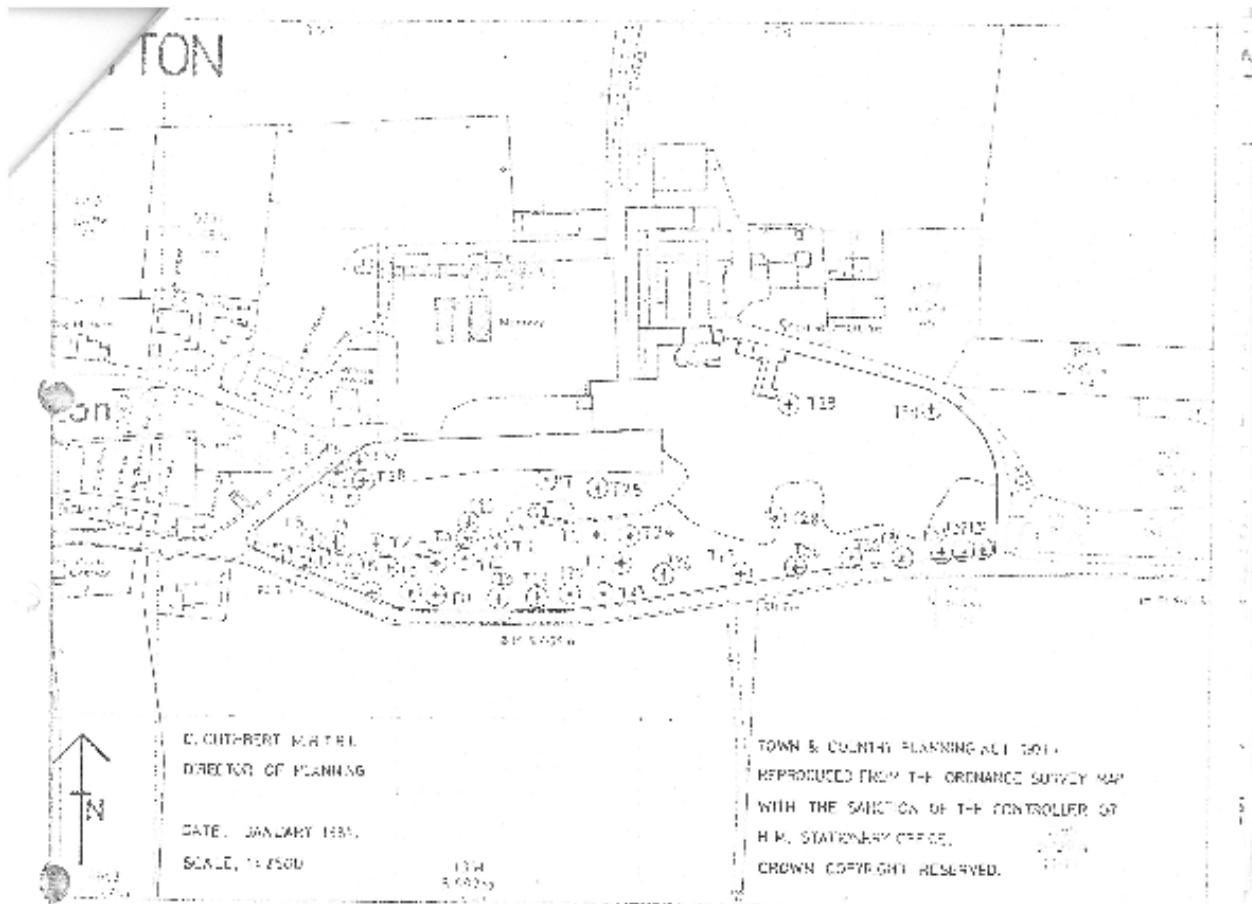
**Economic Development – None**

**Governance – None**

**Local Environment – None**

**Resources** - Financial penalties could be incurred if a maladministration complaint regarding the management of Tree Preservation Orders is upheld.

**Appendix 1**  
**Tree Preservation Order 43 Stone House Hayton Map**



## STONE HOUSE : Tree Preservation Order 1981

Sycamore	15	Western Red Cedar	29	Weeping Ash
Oak	15	Oak	30	Wild Cherry
Oak	17	Wellingtonia	31	Oak
Beech	18	Beech	32	Beech
Lime	19	Beech	33	Beech
Wellingtonia	20	Beech	34	Oak
Lime	21	Sycamore	35	Beech
Oak	22	Oak	36	Lime
Oak	23	Beech	37	Oak
Beech	24	Oak	38	Oak
Beech	25	Oak		
Beech	25	Sweet Chestnut	61	Group 1: 4 Limes
Oak	27	Beech		
Horse Chestnut	28	Beech	42	Trees in all

# Tree Preservation Order 57 Chatsworth Square

