

NNDC TPO (BACTON) 2024 No.10 NORTH WALSHAM – TPO 24 1048 - Land At The Old Rectory, Edingthorpe

Ref No. TPO/24/1048

Officer: **Imogen Mole (Senior Landscape Officer)**

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| PURPOSE OF REFERRAL TO COMMITTEE - To consider whether to confirm a Tree Preservation Order (TPO) to protect Individual trees and a Woodland at the above site. |
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BACKGROUND

Residents contacted the Council concerned about the trees at The Old Rectory, Edingthorpe. The property had been standing empty and likely to change hands, an older, revoked Order (TPO/77/0538), was no longer in force and there were concerns that trees that had been planted and naturally established on the land were at risk of being removed.

There are two elements to the Order, mature specimen trees within the garden of The Old Rectory and an area of land to the north. The objection relates only to the land at the north labelled “W1” on the Order.

The land to the north has historically been an area of Orchard to the east and a combination of ponds and trees to the west, the previous owners added a number of unusual species of trees and an understorey of hazel coppice but over recent decades the land has rewilded.

The majority of remaining orchard trees have come to the end of their life and can be observed fallen and broken apart; other trees are now well established across the area forming a canopy across the site.

Various planning applications in the ‘80’s and ‘90’s have been submitted:

Refusing development:

PF/88/1540, ERECTION OF 2 NO.DWELLINGS

PF/89/1055, ERECTION OF 2 NO.DWELLINGS

Approving development:

PF/82/1448, ERECTION OF DWELLING (RENEWAL OF 01/80/1888/0)

PF/83/1742, DWELLING & GARAGE

PF/86/0011, ERECTION OF DWELLING AND GARAGE

PF/87/2329, ERECTION OF HOUSE & GARAGE

PF/90/1720, ERECTION OF TWO HOUSES

PF/92/1064, ERECTION OF HOUSE AND GARAGE

PF/95/0504, ERECTION OF BUNGALOW WITH INTEGRAL GARAGES (AMENDMENT TO APPROVAL PF/92/1064)

Any future proposal at the site must be judged on the individual merits of the scheme and must consider what impacts the development will have on trees and protected species, including badger which are a known constraint present in the area.

Any proposals would also have to consider BNG requirement. A 10% minimum gain delivered over 30 years.

REPRESENTATIONS

Support for the Order:-

We have received 3 separate letters in support of the Order.

The wildlife, biodiversity and habitat value of the site is greatly valued.

W1 is a haven for wildlife with many species of birds and mammals resident and are reliant on this piece of woodland.

The specified trees and woodland make a valuable contribution to the amenities of this part of Edingthorpe.

Objections to the Order:-

We have received objections from the owners of the property including an arboricultural report. (See Copy at **Appendix 1** to this item)

The main objections are:

- The family have owned the property since the '60's and are good custodians of the site.
- Many trees are high quality, but some are poor quality or scrub, the Order should protect the best individuals and groups of trees, not all trees within the woodland.
- The woodland is not visible from a wider perspective
- W1 covers two distinct areas, ponds to the west and Orchard to the east. The Order refers to woodland but the area does not meet the definition of woodland.
- The woodland classification is unlikely to be suitable for a garden setting.
- The landowners would respectfully request that instead, a series of individual and group TPOs is placed on those high-quality trees within W1 to conserve the best trees and important habitat corridors.

APPRAISAL

In response to the objections the following comments are made:

The previous owners have planted numerous trees and have protected the mature and veteran trees at the site. Changes in property ownership, however, can lead to tree removal.

The lack of proactive management of the land to the north has allowed the former orchard trees to collapse and woodland has established.

The correct categorisation of woodland is confirmed by referring to DEFRA Magic maps which captures this area as Priority Habitat, Deciduous Woodland rather than groups and individual trees.

We can agree, some trees may lack the same merit some of the specimen and veteran trees have, the woodland category however is correct and recognises the habitat and biodiversity value of the area.

The woodland aspect of the Order does not include any garden areas and does not seek to designate the garden of The Old Rectory as woodland. The correspondence confirms the woodland is visible from Church Lane and canopy visible across the fields from Bacton footpath 7.

The woodland category does not hinder beneficial woodland management. We encourage landowners to bring their woodlands into management, we have supported recent works to control invasive bamboo.

HUMAN RIGHTS IMPLICATIONS

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

Main Issues for Consideration

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the trees and woodland area make a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

RECOMMENDATION:-

That the Order be confirmed.