

NNDC TPO (FAKENHAM) 2025 No.16 FAKENHAM – TPO 25 1079 - Land At 1 Fernbank Cottages, Church Lanes, Fakenham

Ref No. TPO/25/1079

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

PURPOSE OF REFERRAL TO COMMITTEE - To consider whether to confirm a Tree Preservation Order (TPO) to protect an individual tree at the above site.

BACKGROUND

The terrace of cottages at Church Lanes were built out following a subdivision of the garden at 14 Wells Road. The decision, issued in the late 1980's, granted permission for the erection of 4 cottages and a later application for the erection of a garage. The sycamore tree was retained as part of these planning decisions.

A tree work notice was received 23/09/24 (TW/24/2032) setting out the removal of 1 sycamore tree, a site visit was arranged on 09/10/24 and, following discussions about the acceptability of works, a decision was issued allowing pruning work.

After careful consideration by the owner, they contacted the Senior Landscape officer to ask if removal could be reconsidered and further notice was given on 16/05/25 to remove the tree (TW/25/1111). A further site visit was carried out on 11/06/25 and additional information was considered.

No new arboricultural reasons for removal were identified, the tree remains to be in good condition with a long "safe useful life", it is a large tree with limited public visibility but one that contributes positively to public amenity.

The tree was judged to be an adequate distance from the property and a TPO was served 25/06/25 (TPO/25/1079).

REPRESENTATIONS

We have received 2 objections to the Order

The main objections are:

- The tree has limited public visibility and amenity
- There are lots of trees in the area
- Seasonal nuisance, loss of light, environmental concerns, (detritus, hygiene, bird faeces)

- There are ongoing structural concerns
- The Order was served incorrectly
- The Order was not independently reviewed
- The original decision notice fails to clearly set out acceptable works
- The council have undermined trust and public confidence; there has been an abuse of process

APPRAISAL

In response to the objections the following comments are made:

The sycamore tree pre-dates the dwellings and is in good health. It is situated within the Fakenham Conservation Area; mature trees make an important contribution to the amenity and setting of a Conservation Area.

An industry standard assessment (TEMPO) was carried out before the Order was served. This assessment ensures we are approaching potential Orders consistently; there is a built-in review and sign off process to ensure Orders are appropriately served.

The tree was found to be in good condition with a long “safe useful life”, it is a large tree with limited wider public visibility, it is clearly visible from Church Lanes. No damage to the fabric of the building was highlighted at the time of the site visits, the tree is set higher than the building’s foundations, most tree roots are found in the top 60-90cm of soil and buildings of this age typically have a good standard of foundation depth.

It is unlikely the tree will pose a threat to the building’s structural integrity however if evidence from a suitably qualified professional is provided, I would encourage that to be submitted along with any future application.

We have consistently explained removal is not acceptable and that by retaining the tree it can continue to contribute positively to the amenity and biodiversity value of the area. Some sensitive pruning works can lessening any burden on the owner and this work has been approved.

We cannot recommend the removal of mature trees for the reasons supporting the proposed removal. Concerns about shade cast, leaf fall, detritus and the burden of maintenance were raised and discussed at both site visits.

The former Assistant Director of Planning reviewed the decision notices and, in their opinion, confirmed it is clear what was ‘consented’ and what ‘wasn’t’. An officer can with the agreement of the applicant grant consent for less work than that originally applied for.

A TPO can be served at any time, however, it is through the process objecting to and hearing the Order at committee we are ensuring appropriate oversight.

There is a further appeals process open to the applicant, if a further application is made, an applicant can appeal to the Secretary of State. The various grounds on which an appeal may be made are set out in Regulation 19. These appeals are handled by the Planning Inspectorate on the Secretary of State's behalf.

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 sycamore tree makes a positive contribution to the quality of the local environment and its enjoyment by the wider public and that therefore should be retained.

RECOMMENDATION:-

That the Order be confirmed.