

DEVELOPMENT COMMITTEE  
PUBLIC BUSINESS – ITEM FOR DECISION

**SUTTON – TPO 21/0001 (Sutton) Driftwood, Moor Road, Sutton, Norfolk,  
NR21 9QN**

*To consider whether to confirm a Tree Preservation Order (TPO) to protect two Oak trees at the above site.*

Background

The two Oak trees are in the rear garden of Driftwood.

The Council received a complaint from the owner of Driftwood regarding a neighbour wanting to cut down the tree. The Officer visited the site and considered serving a TPO to protect amenity as both the trees contributed to the tree scape of the area. Before the TPO was served a large branch on the neighbour's side was removed. This work did not meet the standards for tree pruning work set out in BS 3998 Works to Trees.

A map and photographs are attached (**Appendix A**)

Representations

Objections to the Order:-

Two letters of objection to the Order has been received. (**Appendix B**)

One letter of support. (**Appendix B**)

All representations can be read in full in the appendix, the main objections are:

1. The tree cannot be seen from a public place and therefore cannot hold amenity.
2. The tree causes shading.
3. The tree causes debris from leaves and pigeon mess.
4. The tree has been badly maintained in the past.
5. The ownership of the tree is disputed.

Appraisal

In response to the objections the following comments are made:

The tree is visible from the road and contributes to the treed landscape of the street scene. Amenity is not defined in the act and has now been accepted to be more than just visual. Climate change has raised awareness of the importance of trees and the “hidden” benefits they bring to communities such as carbon sequestration and biodiversity.

Shade is a major consideration for anyone who buys a property adjacent to a large tree. Any purchaser should be aware that they may not be able to remove established trees to provide more light.

Leaves and debris such as seeds from trees and pigeon mess is considered a management issue and not grounds to revoke a TPO. Leaves and debris are a natural feature and a Judge has ruled that they can be managed through appropriate maintenance.

The TPO will ensure that all future works will be appropriate and meet the standards set out in BS 3998.

The TPO does not consider ownership as land boundaries and ownership changes. The requirement is that any TPO trees can be identified from the description and map.

### 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 tree makes 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.**

**Simon Case ( Landscape Officer)  
Ext. 6142**