



COTSWOLD

District Council

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 13 AUGUST 2025
Subject	Tree Preservation Order 25/00001/IND
Wards affected	Fossebridge
Accountable member	Cllr David Cunningham Email: david.cunningham@cotswold.gov.uk
Accountable officer	James Tyson Email: james.tyson@cotswold.gov.uk
Report author	James Tyson (Trees Officer – Heritage and Design)
Summary/Purpose	To consider comments of objection and support to the making of Tree Preservation Order 25/00001/IND Corner Cottage Church Westcote Chipping Norton Gloucestershire OX7 6SH
Annexes	Annex 1 – Location Plan Annex 2 – Google Maps Images Annex 3 – Photograph from site visit Annex 4 - TPO Appraisal form Annex 5 – The Order Annex 6 – Objections Annex 7 – 2016 Image Annex 8 – VALID Report
Recommendation(s)	That Planning and Licensing Committee resolves to: Confirm TPO 25/00001/TPO
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services• Responding to the Climate Emergency• Supporting Communities
Key Decision	NO



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Exempt	NO
Consultees/ Consultation	<p>Heritage and Design Manager, Chair of the Planning and Licensing Committee, Ward Member, and Parish Council.</p> <p>Landowner and all interested parties were also served with a copy of the TPO and Notice as per section 6 of the Town and Country Planning (Tree reservation) (England) Regulations 2012.</p>



1. EXECUTIVE SUMMARY

- 1.1 This report is to appraise Members of a Tree Preservation Order (TPO) served at Corner Cottage, Church Westcote, Chipping Norton, Glos, OX27 6SH.
- 1.2 Following the submission of a Section 211 Conservation Area Notification to fell a large mature Pine tree in the garden of Corner Cottage, a site visit was undertaken to assess and appraise the tree for worthiness of a TPO.
- 1.3 The TPO appraisal indicated that the tree was worthy of a TPO due to its high public amenity value and being consistent with the Conservation Area which contains many large skyline feature trees.
- 1.4 The TPO was served on 11.03.2025.
- 1.5 Objections to the making of the TPO have been submitted to the Council.
- 1.6 The Council has a legal obligation to thoroughly consider objections and/or representations made regarding the TPO.
- 1.7 This report considers and responds to the grounds for objections.
- 1.8 The conclusion of the report is a recommendation that the TPO is confirmed.

2. BACKGROUND

- 2.1 Corner Cottage sits at the corner of a road from A424 to Corner Cottage and the main road through the village of Church Westcote.

Refer to Annex 1 - Location Plan

- 2.2 A Conservation Area Notification of proposed tree works (CDC Ref: 25/00349/TCONR) was received by the Council on 04.02.2025 notifying of the intent to *Coriscan Pine tree- Fell, Multi stem Cypress tree – Fell*.
- 2.3 A desktop check of maps showed The Corsican Pine tree is visible along the approach road and the main road through the village.

Refer to Annex 2 - Google Maps Images



- 2.4 A site visit was undertaken on 27.02.2025 to assess the trees in relation to condition, visibility and to assess the potential for a Tree Preservation Order.

Refer to Annex 3 – Photographs from site visit

- 2.5 To assess whether a TPO was expedient to make, a CDC TPO Appraisal Form was completed. The results of the appraisal indicated that the Corsican Pine was suitable for a worthy TPO. The multi stemmed Cypress was deemed not worthy of a TPO.

Refer to Annex 4 - TPO Appraisal Form

- 2.6 An email was sent to Mr David Lewis (the Agent for the notice) on 28.02.25 explaining that a site visit had been undertaken and that assessment indicated that the Pine was worthy of a TPO. The email asked if Mr Lewis would consider removing the proposal to fell the Pine from the notification.

- 2.7 Mr Lewis replied on 28.02.25 explaining the reasons for the notice and stating that the trees should be removed for the reasons summarised:

- The tree leans
- Would cause severe damage if it was to blow over
- Presence of deadwood

- 2.8 The case was discussed amongst the CDC Tree Team and after considering the results of the TPO Appraisal, permission to serve the TPO was sought from the Head of Planning, Ward Member and Heritage and Design Manager. It was unanimously agreed to proceed with serving the order.

- 2.9 The TPO and relevant paperwork was serviced on all interested parties on 11.03.2025.

Refer to Annex 5 - The Order

- 2.10 The reasons for making the TPO were given on the relevant TPO notice as: '*A Section 211 Notice has been submitted to fell this tree. The tree is worthy of a TPO by virtue of its public amenity value. The tree is a prominent arboricultural feature and a highly visible asset to the Church Westcote*



Conservation Area. The TPO is appropriate to ensure that thorough justification is provided in any future decisions that affect the tree.'

- 2.11 Under the provisions of the legislation the TPO takes effect immediately but must be confirmed by the Council within six months if it is to take permanent effect. Prior to confirming a TPO, the Council must thoroughly consider any objections and/or representations that have been made.
- 2.12 The regulations relating to TPOs allow for a 4-week consultation period from the date the TPO is served for written representations to be submitted to the council. After this period has passed, it is for the Council to determine whether to take account of any further representations.
- 2.13 Within the 4-week period 7 objections from the public were received along with objections from the owner Mrs Lewis and the Agent Mr Lewis.

3 THE GROUNDS FOR OBJECTION TO THE TPO

- 3.1 To assist Members, the grounds for objections are summarised below:
- The tree is leaning
 - The tree is unstable and could fall damaging property or causing harm to persons and is causing anxiety to resident
 - The tree contains deadwood
 - The tree is non-native

Refer to Annex 6 - Objections

4 OFFICER RESPONSE

- 4.1 The grounds for objection are considered below:
- The tree leans because it grew alongside another tree which was removed with permission in 2020 under reference 20/01732/TCONR. Officer comments at the time were "*The tree to be removed is in poor condition with several large dead branches and a sparse upper crown. It has a limited safe life expectancy and is unlikely to survive more than 10 – 15 years.*"



- Where trees grow together, they often grow in a manner slightly leaning away from each other in search of light. The removed tree was the weaker of the two. As shown in Google image from August 2016.

Refer to Annex 7 – 2016 Image

- Trees will regulate growth patterns in response to conditions. The lean was developed over many years and the formation of new wood in the main trunk will reflect this. There is no evidence that the tree has a more pronounced lean in recent times. No evidence of ground heave was present and there were no cracks in the soil which could signify the tree beginning to uproot. No evidence of fibre buckling or cracks in the trunk of the tree were found which would evidence the tree is likely to snap.
- A VALID risk assessment was carried out by your Tree Officer to assess the risk to the property. VALID is an internationally recognised tree risk assessment system which CDC Trees Officers are authorised users. The report concluded the risk is acceptable.

<https://www.validtreerisk.com/>

Refer to Annex 8 - VALID report

- A tree of this age and species is likely to contain deadwood. The production of deadwood is a natural process which occurs as branches die off as a result of a trees natural growth processes. Lower branches on a Pine will die off as they become shaded out or are no longer required as a source of energy production to aid the trees growth.
- Under Regulation 14(1)(b) of The Town and Country Planning Act the removal of dead branches from a living tree is an exception to notification. No permission is required to remove deadwood.
- There is nothing in the regulations that places more importance on native trees over non-native trees. The main purpose of the TPO is to preserve the public amenity value provided by the tree. We consider the Pine in this context provides a high level of public amenity. The tree is a tall and prominent feature clearly visible from public vantage points. Church Westcote is characterised by a number of tall trees as skyline features including other Pines in the grounds of St Mary the Virgin Parish Church.



5 ALTERNATIVE OPTIONS

- 5.1 To not confirm the Order

6 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications for the Council

7 LEGAL IMPLICATIONS

- 7.1 There are no legal implications of this report beyond those associated with the serving of a TPO.

8 EQUALITIES IMPACT

- 8.1 There are no equalities impacts related to this report.

9 CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1 In July 2019 Cotswold District Council declared a climate emergency. The protection and retention of trees can provide both climate emergency and nature recovery benefits.

10 BACKGROUND PAPERS

- 10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:
- None