



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 08.10.2025
Subject	TREE PRESERVATION ORDER – 25/00002 – 5 MILL CLOSE, BLOCKLEY
Wards affected	Blockley
Accountable member	Cllr Juliet Layton. Deputy Leader and Cabinet Member for Housing and Planning. Email: juliet.layton@cotswold.gov.uk
Accountable officer	Justin Hobbs (Tree Officer, Natural, Built and Historic Environment) Email: justin.hobbs@cotswold.gov.uk
Report author	Justin Hobbs (Tree Officer, Natural, Built and Historic Environment) Email: justin.hobbs@cotswold.gov.uk
Summary/Purpose	To consider the Tree Preservation Order (TPO) made on trees at 5 Mill Close, Blockley. To determine whether the TPO should be confirmed, confirmed subject to modification, or not confirmed.
Annexes	Annex A – Site location and position of trees. Annex B – Section 211 to fell the trees. Annex C – CDC TPO Assessment for 5 Mill Close. Annex D – Photographs of the trees subject to the TPO Annex E – Copy of the TPO. Annex F – Copy of objection to the TPO.
Recommendation(s)	That Planning and Licensing Committee resolves to: Confirm TPO 25/00002
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services• Responding to the Climate Emergency• Supporting Communities
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Natural, Built & Historic Manager, Chair of the Planning and Licensing Committee, Ward Member, and Parish Council. Landowner and all interested parties were also served with a copy of the TPO and Notice as per section 6 of the



1. EXECUTIVE SUMMARY

- 1.1 This report is to appraise members of a Tree Preservation Order (TPO) at 5 Mill Close, Blockley (CDC ref TPO 25/00002).
- 1.2 5 Mill Close is located in Blockley Conservation Area.
- 1.3 On 09.06.25 Section 211 Notice to fell a mature copper beech, a mature ash, and a small evergreen tree in the garden of 5 Mill Close was submitted to the council.
- 1.4 In response to the Notice, I visited site and undertook an assessment to determine the expediency of making a TPO. The assessment indicated that it was expedient to make a TPO to protect the mature copper beech and ash trees.
- 1.5 Section 198 of the Town & Country Planning Act 1990 allows the Council to make TPOs if it appears expedient in the interests of amenity.
- 1.6 The TPO was made and served on 08.07.2025.
- 1.7 One objection to the making of the TPO was submitted to the council within the statutory 28-day consultation period following the making of the TPO.
- 1.8 The Council has a legal obligation to thoroughly consider objections and/or representations made regarding the TPO.
- 1.9 This report considers and responds to the grounds for objection.
- 1.10 The conclusion of the report is a recommendation that the TPO is confirmed.

2. BACKGROUND

- 2.1 Located centrally in Blockley Conservation Area, 5 Mill Close is the end dwelling of a row of properties previously used for cottage industries since the 19th century. The large garden area of property lies to the east of the dwelling. The trees subject to the TPO are located towards the eastern boundary of the garden. **Refer to Annex A for a site location and position of the trees.**
- 2.2 Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies.
- 2.3 A Section 211 Notice to fell a mature copper beech, a mature ash, and a small evergreen tree was received on 09.06.25. The Notice was given a planning reference of 25/01741/TCONR. **Refer to Annex B for a copy of the Section 211 Notice.**
- 2.4 Upon receipt of a valid Section 211 Notice the council has the following options:
 - make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;



- decide not to make an Order and inform the person who gave notice that the work can go ahead within 2 years of the date of the notice; or
 - decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.
- 2.5 On 24.06.25 I visited site and undertook an assessment to determine if it was expedient in the interests of public amenity to make a TPO in response to the Notice.
- 2.6 CDC uses a TPO Assessment form which follows Government Guidance¹, which states "*When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way*".
- 2.7 The TPO assessment indicated that the mature copper beech and ash tree were worthy of a TPO and the small evergreen (cypress) tree was not. The TPO does not include the cypress tree which, if has not been removed already, can be removed. **Refer to Annex C for a copy of the TPO Assessment form.**
- 2.8 The copper beech and ash trees are mature trees between 20 – 25m in height. No tree is ever 100% 'safe' and trees of this size will contain small amounts of deadwood and minor dysfunction. However, physiologically and structurally, I could not find any significant risk features.
- 2.9 Both trees are growing in an elevated position within the village and are clearly visible from numerous public places including the village green and well-used rights of way and roads through the village. **Refer to Annex D for photographs of the trees.**
- 2.10 Following consultation with the Chair of the Planning & Licensing Committee and the local Ward Member, the TPO was served on 08.07.25. **Refer to Annex E for a copy of the TPO.**
- 2.11 On 08.07.25 and in line with the legislation relating to TPOs, all interested parties (in this case the property owner & neighbouring properties) were served with a copy of the TPO and a Regulation 5 Notice.
- 2.12 The Regulation 5 Notice included the reasons for making the TPO as:
A section 211 Notice has been submitted to fell the trees. The trees contribute significantly to public visual amenity in the locality. The removal of the trees will degrade the conservation area. The TPO ensures the trees are fully considered in any future decisions that affect them.
- 2.13 Under the provisions of the legislation the TPO takes effect immediately but must be confirmed as it was made or confirmed subject to modifications by the Council within six months if it is to take permanent effect. Prior to doing this, the Council must thoroughly consider any objections and/or representations that have been made.
- 2.14 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.
- 2.15 Within the 4-week consultation period the site owner submitted a formal objection. **Refer to Annex F for a copy of the objection.**

¹ <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>



3. THE GROUNDS FOR OBJECTION TO THE TPO

3.1 To assist members, the grounds for objections are summarised below:

1. The ash tree has early symptoms of Ash Dieback.
2. The Ash tree is causing problems with neighbouring telephone wires.
3. General concerns about the size of the trees and potential for large limb loss – a large limb fell on a previous owners parked car, and concern about “summer branch drop”.

4. OFFICER RESPONSE

4.1 The grounds for objections are considered as follows.

4.2 Response to grounds for objection 1

- 4.2.1 Ash Dieback, caused by the fungus *Hymenoscyphus fraxineus*, poses a significant threat to ash trees across the country. Initial symptoms include leaf loss and crown dieback, leading to the increased amount of deadwood in the canopy and eventually death.
- 4.2.2 At the time of my assessment, I could not find definitive ash dieback symptoms. Some minor dieback and minor deadwood were evident in the canopy, but this is not uncommon for any tree of this age.
- 4.2.3 For non-woodland ash trees the estimated mortality rates are at least 50%². However, it is not a foregone outcome that this tree will become infected with ash dieback.
- 4.2.4 New research indicates that ash trees in a woodland setting are, through natural selection, working to combat the disease³. It is therefore vital that uninfected ash trees are retained wherever possible.
- 4.2.5 If this tree becomes infected with ash dieback, remedial works can be applied for and if the proposed works are appropriate to the level of infection, the application would be granted consent.

4.3 Response to grounds for objection 2

- 4.3.1 An application to prune branches interfering with overhead services has been made and granted consent (CDC ref 25/02499/TPO).

4.4 Response to grounds for objection 3

- 4.4.1 Society widely recognises that trees provide substantial socio-economic and environmental benefits.
- 4.4.2 However, it is understandable that large trees can cause concern for people and properties near them.

² [A summary of the impacts of ash dieback on UK biodiversity, including the potential for long-term monitoring and further research on management scenarios](#)

³ [British ash woodland is evolving resistance to ash dieback - Queen Mary University of London](#)



- 4.4.3 Summer branch drop is a very rare but potentially hazardous phenomenon where large, mature trees shed substantial branches during summer, often without any visible signs of defect. The phenomenon is extremely rare and the overall risk to public safety is negligible.
- 4.4.4 It is reasonable therefore that in managing large trees, a pragmatic, realistic approach is required to reduce the risk of harm and damage from trees, including the trees subject to this TPO.
- 4.4.5 For context, the overall risk to human safety from trees is low. The level of risk of an individual being killed by a falling tree (or part of a tree) in any given year, during the period of 1997 to 2022, was one in 15 million per year. So far as non-fatal injuries in the UK are concerned, the number of accident and emergency (A&E) cases attributable to being struck by trees (about 55 a year) is exceedingly small compared with the approximately 2.9 million leisure-related A&E cases per year. Footballs (262 000), children's swings (10 900) and even wheelie bins (2200) are involved in many more incidents.⁴
- 4.4.6 While the context provided does not seek to downplay the potential risks posed by large trees—whether protected by a TPO or not—it is factually accurate to state that the overall risk to human safety from trees is low. Given the significant benefits trees provide, their management should be proportionate to their setting.
- 4.4.7 In my opinion, felling these trees because they are large, and may at some point in the future shed a large limb, or fail, is not proportionate.
- 4.4.8 A reasonable approach to reducing the risks large trees pose is for periodic inspections and appropriate remedial works based on the findings of the inspections.
- 4.4.9 This approach is also likely to be more cost effective to an owner of a large tree; the removal or pruning of a branch will cost considerably less than the felling of an entire tree.
- 4.4.10 The making and confirmation of the TPO does not prevent applications for works in the future. Such applications would be treated on their merits.

5. ALTERNATIVE OPTIONS

- 5.1 To not confirm the Order, or to confirm the Order as modified (in this case by removing one of the trees from 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

⁴ [NTSG-summary.pdf](#)

- 9.1 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

(END)