



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>PLANNING AND LICENSING COMMITTEE – 08.04.2026</b>
Subject	<b>TREE PRESERVATION ORDER – 25/00006 – 55 THOMAS STREET, CIRENCESTER</b>
Wards affected	Abbey
Accountable member	Cllr M Harris Email: <a href="mailto:mark.harris@cotswold.gov.uk">mark.harris@cotswold.gov.uk</a>
Accountable officer	Justin Hobbs (Tree Officer, Natural, Built and Historic Environment) Email: <a href="mailto:justin.hobbs@cotswold.gov.uk">justin.hobbs@cotswold.gov.uk</a>
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Summary/Purpose	To consider the Tree Preservation Order (TPO) made on a mature beech tree at 55 Thomas Street, Cirencester. To determine whether the TPO should be confirmed or not confirmed.
Annexes	Annex A – Site location and position of the tree. Annex B – Section 211 to fell the trees. Annex C – CDC TPO Assessment for 55 Thomas Street. 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: <b>Confirm TPO 25/00006</b>
Corporate priorities	<ul style="list-style-type: none"><li>• Delivering Good Services</li><li>• Responding to the Climate Emergency</li><li>• Supporting Communities</li></ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Natural, Built & Historic Environment 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 Town and Country Planning (Tree reservation) (England) Regulations 2012.



## 1. EXECUTIVE SUMMARY

- 1.1 This report is to appraise members of a Tree Preservation Order (TPO) at 55 Thomas Street, Cirencester (CDC ref TPO 25/00006).
- 1.2 55 Thomas Street is located in Cirencester Town Centre Conservation Area.
- 1.3 On 30.09.25 Section 211 Notice to fell a mature copper beech on the frontage of 55 Thomas Street Mill was submitted to the council.
- 1.4 3 objections to the Notice to fell the tree were submitted to the council.
- 1.5 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 tree.
- 1.6 Section 198 of the Town & Country Planning Act 1990 allows the Council to make TPOs if it appears expedient in the interests of amenity.
- 1.7 The TPO was made and served on 28.10.2025.
- 1.8 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.
- 1.9 The Council has a legal obligation to thoroughly consider objections and/or representations made regarding the TPO.
- 1.10 This report considers and responds to the grounds for objection.
- 1.11 The conclusion of the report is a recommendation that the TPO is confirmed.

## 2. BACKGROUND

- 2.1 The tree is growing on the frontage of 55 Thomas Street, a well used road around the northern edge of Cirencester Town Centre. In comparison to the majority of Thomas Street which characterised by much older properties, the tree grows adjacent to a row of mid to late 20<sup>th</sup> century properties. **Refer to Annex A for a site location and position of the trees.**
- 2.2 Approximately 50m to the south west at 61 Thomas Street is a protected sycamore tree. The tree is in Cirencester Town Centre Conservation Area.



- 2.3** 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.
- 2.4** A Section 211 Notice to fell the mature copper beech, was received on 30.09.25. The Notice was given a planning reference of 25/03088/TCONR. **Refer to Annex B for a copy of the Section 211 Notice.**
- 2.5** 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.
- 2.6** On 08.10.25 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.
- 2.7** CDC uses a TPO Assessment form which follows Government Guidance<sup>1</sup>, 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*".
- 2.8** The TPO assessment indicated that the mature copper beech was worthy of a TPO. 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.**
- 2.9** The tree is approximately 20m 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.

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



**2.10** The tree is clearly visible from and is a prominent landmark along this stretch of Thomas Street, a busy road on the northern edge of Cirencester Town Centre. **Refer to Annex D for photographs of the trees.**

**2.11** Following consultation with the Chair of the Planning & Licensing Committee and the local Ward Member, the TPO was served on 28.10.25. **Refer to Annex E for a copy of the TPO.**

**2.12** On 28.10.25 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.

**2.13** The Regulation 5 Notice included the reasons for making the TPO as:

*A section 211 Notice has been submitted to fell the tree. The tree contributes significantly to public visual amenity in the locality. The removal of the tree will degrade the conservation area. The TPO ensures the tree is fully considered in any future decisions that affect it.*

**2.14** 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.

**2.15** 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.

**2.16** Within the 4-week consultation period the site owner submitted a formal objection. **Refer to Annex F for a copy of the objection.**

### **3. THE GROUNDS FOR OBJECTION TO THE TPO**

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

1. The tree is out of context on the street.
2. The tree causes maintenance issues for neighbouring properties (clearance of roofs and guttering) and impedes light.
3. The risks associated with falling branches are considerable.



## **4. OFFICER RESPONSE**

**4.1** The grounds for objections are considered as follows.

### **4.2 Response to grounds for objection 1**

4.2.1 Context is a somewhat ambiguous term. It is correct that beech trees are commonly found in woodlands, parks and larger open spaces. However, it is not uncommon to find mature beech trees urban areas, particularly ornamental cultivars such a copper beech. There are a small number of mature beech trees in and around the urban area of Cirencester.

4.2.2 The section of Thomas Street in which the tree is growing is not particularly narrow and the canopy of the tree has been able to develop, albeit with some limited lifting and pruning towards properties, a fairly natural and unhindered form.

4.2.3 The TPO assessment did not indicate that the tree was growing in an out of context location.

4.2.4 The importance of large urban street trees is well documented; in addition to providing amenity, they have ecological value and help regulate extremes of weather in urban areas.

### **4.3 Response to grounds for objection 2**

4.3.1 The tree is approximately 100 years old and has been this size for many years.

4.3.2 The tree predates the adjacent residential properties. It is therefore reasonable to expect that the occupants, upon taking up residence, would have anticipated the need for routine cyclical maintenance, such as the clearance of seasonal leaf fall from gutters.

4.3.3 Being deciduous, the tree will cast shade upon windows facing Thomas Street during the months it is in leaf, and considerably less so during winter months.

4.3.4 The seasonal disbenefits the tree presents do not outweigh the overall benefits the tree provides to the wider area.



#### **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.
- 4.4.3 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.
- 4.4.4 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.<sup>2</sup>
- 4.4.5 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.
- 4.4.6 In my opinion, felling this tree because it is large, and may at some point in the future shed a large limb, or fail, is not proportionate.
- 4.4.7 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 (which the council would, in all likelihood, approve)
- 4.4.8 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.
- 4.4.9 The making and confirmation of the TPO does not prevent applications for works in the future. Such applications would be treated on their merits.

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<sup>2</sup> [NTSG-summary.pdf](#)



**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 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)