

Mr Hobbs Tree Officer Cotswold District Council Council Offices, Trinity Road, Cirencester, GL7 1PX	Tim Embley Fairford Consultancy 27 Courtbrook Fairford Gloucestershire GL7 4BE
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Wednesday 6th May 2026

Dear Mr Hobbs

Re: Objection to Cotswold District Council Tree Preservation Order TPO 26/00002

The Folly, West End Gardens, Fairford, Gloucestershire

I write to object to the above Tree Preservation Order (“TPO”). My objection is made under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (as amended).

On 16 March 2026 the Council granted Planning in Principle under application reference 26/00229/PLP. The TPO was made on 8 April 2026, after the Planning in Principle decision.

I am the applicant/developer and an interested party in achieving an appropriate and sustainable outcome for this site. My objective is to deliver high-quality homes and public realm improvements while securing an overall net benefit for the site’s landscape and biodiversity.

The planning and design proposals have been prepared by a professional team of qualified experts. Two independent arboriculture consultants have inspected the trees and advised that the specific trees identified in the TPO are of low quality and/or longevity with a very limited life span remaining due to age and health, and that their retention would be a unreasonable constraint on what would be an acceptable scheme.

In my view, the trees identified in the TPO make a limited contribution to public amenity in their current form and condition. A sympathetic removal of the identified trees, coupled with a robust replacement planting scheme, would deliver a stronger long-term landscape framework in which trees, residents, buildings and public amenities can thrive.

The indicative plans were submitted as part of Planning in Principle application 26/00229/PLP. No objection was raised in relation to the removal of the specific trees now included within the TPO during the consultation period for that application.

Fig 1: Plans submitted as part of the planning application



The TPO, if confirmed in its current form, would jeopardise a scheme designed to optimise the use of land within the settlement boundary in a sustainable manner. The proposals seek to deliver much-needed housing alongside measurable biodiversity gains through a proactive landscape strategy, including the introduction of higher-quality specimen trees and habitat planting compared with the existing arrangement.

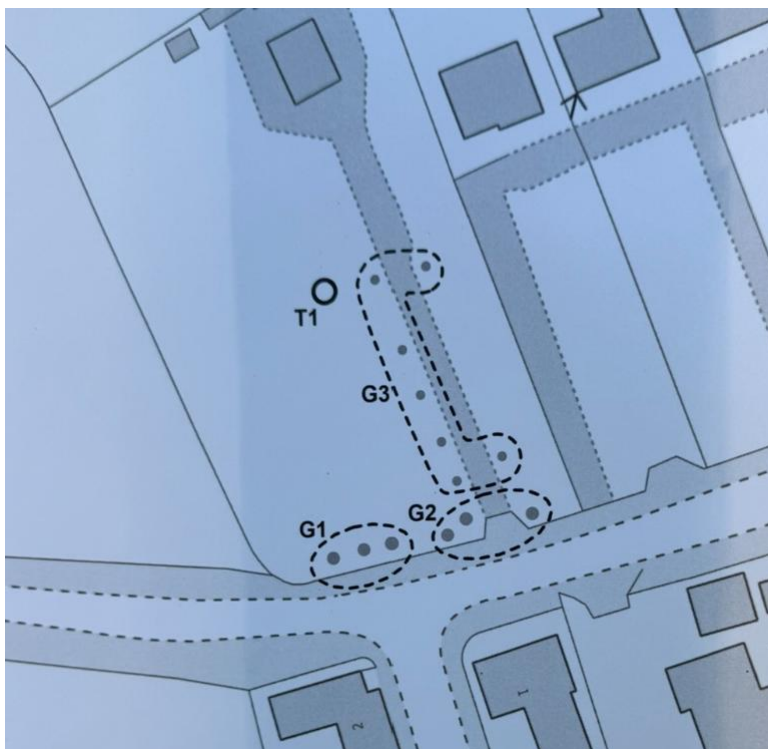
The scheme has been developed by a qualified architect following a design options appraisal based on site constraints. An onsite arboricultural assessment has also been undertaken to identify tree quality, condition, remaining contribution, and the implications of retention or removal. On the basis of that evidence, the trees now identified in the TPO were proposed for removal due to (i) limited condition and/or remaining contribution, (ii) low public amenity value, and (iii) their direct conflict with an otherwise deliverable design. Their removal would facilitate improved access to the site, public realm enhancements to the footpath and overall compliance with relevant planning and design guidance.

Overlay of the TPO Trees onto the scheme design



When considered in the planning balance, the public benefits of the proposed development and the replacement planting strategy outweigh the limited amenity value of retaining the specific trees covered by the TPO.

Map identifying the allocated trees in the TPO:



As described in the arboricultural report this is a brief summary of the trees:

“G1 and G2 are not native trees, show evidence of dieback, and have not been maintained. Without proactive management they are likely to grow out of scale with

their setting and become increasingly difficult to manage, raising future maintenance demands and risk. The proposal to remove and replace these trees is, in my view, the best option to support the long-term plan for the site as outlined in the proposed design.

In addition, **T1** and **G3** are common garden fruit trees. They are low-yielding and, given their condition and typical life expectancy, are likely to require replacement within approximately the next 10 years. These trees do not provide a level of public amenity or arboricultural value that would warrant the imposition or confirmation of a TPO.”

Andrew Day, Arboricultural Consultant: Andrew Day Arboricultural Consultancy

The benefits of removing the TPO is summarised as:

1. Delivery of new homes in accordance with the Council’s housing objectives and targets.
2. Increased tree planting within the site using appropriate species (including native specimen trees where suitable).
3. Improved public amenity through enhanced planting and an upgraded footpath surface, including better accessibility.
4. High-quality sustainable housing suitable and required for local needs.
5. Efficient and sustainable use of land within the settlement development area.
6. Improved public safety by addressing trees overhanging the highway/footway and improving sightlines.
7. Reduced risk of tree-related damage to neighbouring property and infrastructure.

This is the technical evidence and photos that provide insight into the trees identified in the TPO

The TPO description marked up with arboricultural report and photo of the trees identified:

Tree Location and Description			Photo of site
Reference on map	Description	Situation	
T1	Apple	Front garden, south of existing dwelling. Grid ref SP 14317 01341	
T17	Common Pear <i>Pyrus communis</i>		
TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)			Nothing identified under the TPO
Reference on map	Description	Situation	
None			

G1 3no Spruce South of existing dwelling, adjacent to West End Gardens. Grid ref SP 14328 01314 T01 Norway Spruce Picea abies T02 Norway Spruce Picea abies T03 Norway Spruce Picea abies Growing behind low stone wall above land drain. Site level ~1m above adjacent highway. Pronounced buttresses. Growing behind low stone wall above land drain. Site level ~1m above adjacent highway. Growing behind low stone wall above land drain. Site level ~1m above adjacent highway. Stem: In good condition. 20+ years to grow will become dominant							
G2 3no Western Red Cedar South of existing dwelling, adjacent to West End Gardens. Grid ref SP 14338 01319 T05 Western Red Cedar Thuja plicata Growing behind low stone wall behind land drain. Site level ~0.3m above adjacent highway. Multi-stemmed from base into dominant and lesser stems. Historically topped at ~5m, lateral limbs have corrected phototropically to become leaders. Stem: In good condition. 20 years to grow – will be dominant							
G3 6no Apple, 1no Pear South of existing dwelling, adjacent to Public Footpath. Grid ref SP 14332 01334 Linear group of four apple. Historic mechanical damage, necrotic bark / stubs, degraded fungal fruiting bodies (FFB's) of Inonotus hispidus. Dimensions recorded for largest member of group. Stem: In a poor condition – less than 10 years remaining contribution.							
WOODLANDS (within a continuous black line on the map) <table><tr><th>Reference on map</th><th>Description</th><th>Situation</th></tr><tr><td>None</td><td></td><td></td></tr></table>	Reference on map	Description	Situation	None			Nothing identified under the TPO
Reference on map	Description	Situation					
None							

G1 Norway Spruce is known as a Christmas Tree. 6 – 8 million trees are bought and sold each year for Christmas. The majority of these trees die and sent for disposal. Norway Spruce is vulnerable to several diseases and pests that can compromise its health and the surrounding garden ecosystem. Common diseases include *Rhizosphaera* needle

cast, which turns needles purple-brown and causes premature needle drop, and Cytospora canker, which produces oozing lesions on the trunk and can lead to dieback in severe cases. Additionally, pests such as bagworms, spruce budworm, adelgids, and spider mites can infest the tree, leading to defoliation and reduced aesthetic appeal. These diseases and pests often require vigilant monitoring and treatment to prevent significant damage. Due to its size, environmental demands, and vulnerability to disease and pests, Norway Spruce is better suited for forestry applications, large landscapes, or windbreaks, rather than home gardens. Planting it in a small or inadequately prepared space may result in decline, costly maintenance, or tree death, potentially impacting other garden plants as well. This can be seen in these trees.

G2 Red Cedar is very similar to Leylandii and typically used in the garden as cheap fencing. Red cedar, presents several drawbacks that make it a poor choice for gardens and public areas. Its wood contains oils and phenolic compounds that can create allelopathic effects, inhibiting the growth of many nearby plants and disrupting the balance of a garden ecosystem. Additionally, red cedar tends to shed resinous debris and needles, which can accumulate and require significant maintenance, potentially causing staining on patios or garden furniture. Its rapid growth and dense canopy can also overshadow smaller plants, depriving them of sunlight and airflow, while the aromatic oils can be irritating to some gardeners and pets. Collectively, these factors suggest that red cedar may impose maintenance burdens and ecological limitations, making it less desirable to retain as an amenity or environments benefits. For these reasons these trees should be removed.

T1 and G3 trees are common garden fruit trees that have a low yield and the crop is diseased. The crop is used for compost and has no value. The trees have been diseased for some time and experiencing dieback. Any maintenance to these trees would kill them. They have extensive branch and trunk damage.

The following table outlines the condition of the trees identified taken from the arboricultural report and what a replanting scheme would achieve as part of the development removing TPO trees:

Trees Identified	Condition	Replacement Scheme	Benefit to the enhancement
T1 Apple	Less than 10 years remaining to grow.	Replaced with 5 fruit trees. (1:5 replacement)	Specimen fruit trees to bring value to residents and wildlife.
G1 3 Spruce	Will grow excessively tall and a risk for highway and property. They traditionally been lopped at 7 meters.	Replaced with 8 specimen trees native to the area. (3:8 replacement)	Native trees traditionally seen in the Cotwolds to bring character and charm to the area.

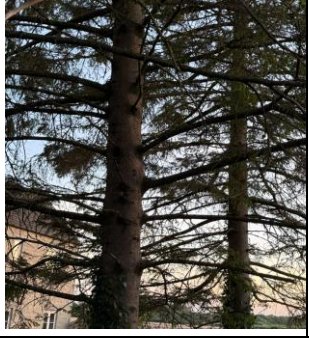
G2 3 Western Red Cedar	Is a north American species. It has no bio diversity value.	Replaced with 10 specimen trees along the drive and opening. (3:10 replacement)	Native trees that will enhance biodiversity and attract wildlife into the area.
G3 6 Apple 1 Pear	Less than 10 years remaining to grow.	Replace with extensive flora and fauna initiatives to bring value and the environmental benefits to assist pollination and provide wildlife corridors.	Low level vegetation to encourage wild life movement between trees. Critical for pollination and bio diversity benefits.

As set out above and within the arboricultural evidence, several of the trees have limited remaining contribution and/or the remaining are of poor form. The replacement proposals (as summarised in the table) would deliver a greater number of appropriate trees and associated habitat planting, increasing long-term biodiversity and public value. If the Council requires a quantified assessment (for example, using i-Tree or similar valuation tools), I request that this is confirmed and scoped so that an agreed methodology can be applied to demonstrate the new value that can be created.

The arboricultural assessment identifies evidence of decline and defects (including dieback and areas of damage on the trunk and along branches) affecting a number of the trees. These matters are summarised in the tables below and should be taken into account when assessing whether the statutory tests for confirming the TPO are met.

T1 Apple	G3 6 Apple 1 Pear	G3 6 Apple 1 Pear	G3 6 Apple 1 Pear
			
Branch death. Low leaf coverage. Fruit has signs of infection.	Bark scarring and main tree trunk exposed. Fruit used as compost.	Parasitise on bark. Cankers and sunken areas declining to death.	Rotten main trunk. Limited leaf growth. Branch death.

G1 3 Spruce	G1 3 Spruce	G2 3 Western Red Cedar	G2 3 Western Red Cedar
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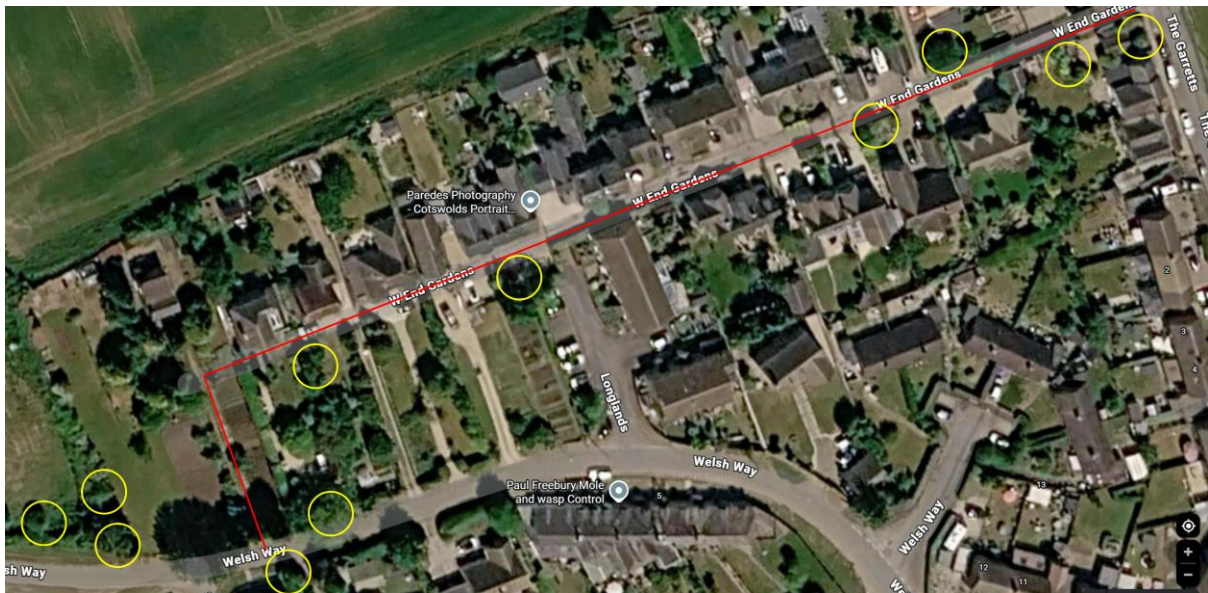
			
Die back. Considerably noticeable from the road approaching Fairford.	Lack of water and maintenance. Trees showing signs of neglect. Thinning out of branches.	Die back. No bio diversity gain under tree leaf growth. No soil fertility under trees leading to no ecology under the tree.	Low ecological value. Progressive death of tree, clear signs of dead tree material decomposing.

Public amenity and proportionality

The trees are located adjacent to a short footpath spur serving West End Garden properties off Welsh Way and does not form part of any other major network. While any public route attracts some use, the visibility of the trees and the extent of their contribution to public amenity is limited. This footpath is used for convenience and is not a destination footpaths. The path is used by dog walkers mainly.

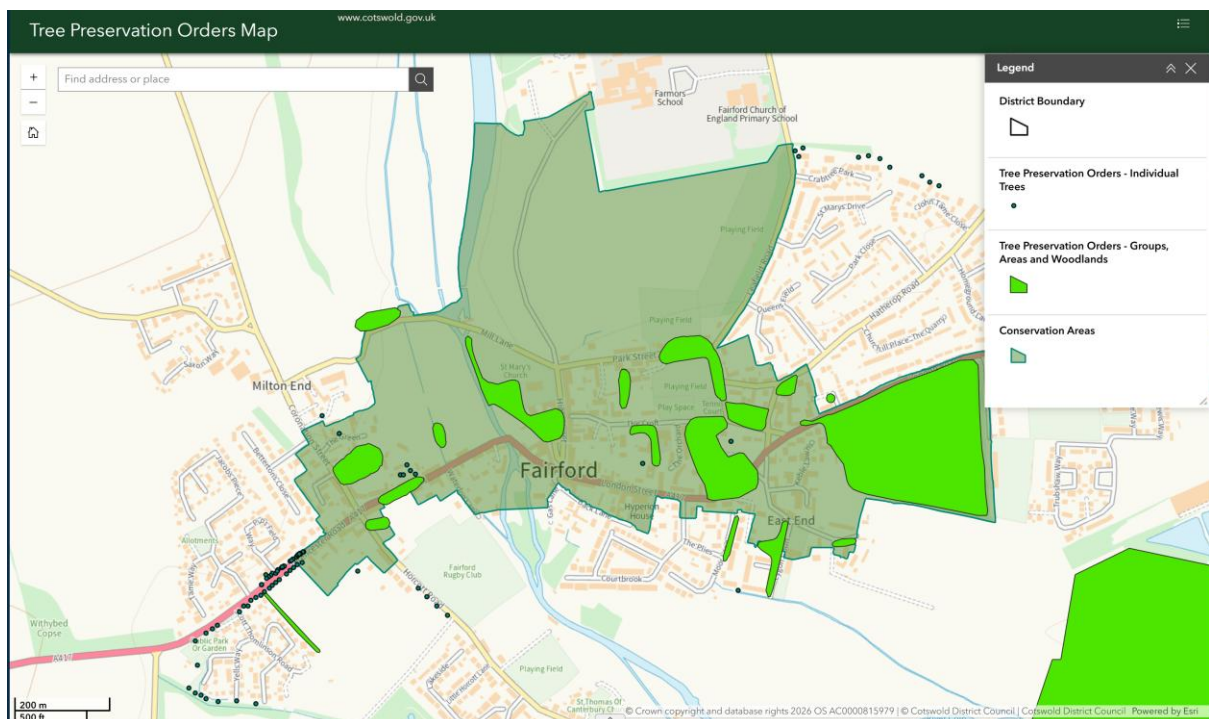
The TPO appears to single out a small number of trees along this route, notwithstanding that there are other nearby trees of comparable visibility along the remaining path. I therefore request that the Council explains the basis on which these particular trees were selected and how their amenity value has been assessed relative to other trees in the immediate vicinity.

For ease of reference, the map below outlines the footpath and indicates other trees along the route that are not subject to the TPO. If the justification for this TPO is primarily amenity-based, it is unclear why the protected trees have been selected in isolation.



In addition, when the Council's existing pattern of TPO designations in Fairford is considered, the present TPO appears inconsistent with the approach taken elsewhere, where protected trees typically demonstrate a clearer public amenity contribution and/or higher arboricultural quality. The trees in this TPO do not have the same quality and do not compared to other trees in Fairford with a TPO.

A desk top study of other trees in Fairford with a TPO has been conducted. Using the resource available. I have used the map below to compare the trees in this TPO and compare to designated protected trees in Fairford.



The trees identified are specimen species of good condition and add value in the location. This is not the case for the trees identified under this TPO.

Comparable TPO designations (for context)

Examples of other TPOs within Fairford can be provided if required; however, the key point is that the trees protected by this TPO do not appear to meet the same threshold of amenity value and quality as those typically protected elsewhere in the town. I would be grateful if Cotswold District Council specify their criteria for valuing trees suitable for TPOs.

A simple example is the approach into Fairford in the A417.

A417 TPO Protected Trees adjacent to the highway on the approach into Fairford.	
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Welsh Way TPO tree adjacent to the highway	
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As you can see the trees along the A417 have significantly more value in many different ways and the trees along Welsh Way do not bring any value to the local amenity and fail to be valued in the situation they are located.

Future Tree Planting improvement and visual impact

As you can see G1 tree have little impact on the approach into town along Welsh Way. The before view and after artist impression improve the visual aspect with native specimen species. Improving highway sight lines and opening up the aspect of the entrance to the town.

Current	After
	

Removal of G1 and G2 with more appropriate trees would improve on the visual impact.

Proposed Planting Scheme Plan



The orange dots indicate the proposed planting scheme increasing the number of trees. This is in addition to any Net Gain Biodiversity commitments that have to be delivered off site. We are also planning to plant the NBG commitment locally and engaged with Fairford Town Council to identify a location plan.

Requested outcome from this objection

For the reasons set out above, I request that the Council does not introduce the TPO 26/00002. I would like to work with the Tree Officer to ensure the design brings the expected value to the development and we achieve a better outcome through a planting scheme and removing the TPO trees. I do not think a TPO of the existing trees is the right choice and we can achieve better for the town.

Evidence enclosed / referenced

- Planning in Principle decision notice (Ref: 26/00229/PLP).
- Arboricultural report(s) / survey(s) (as previously submitted) identifying condition, defects and remaining contribution.
- Indicative site layout plan(s) (Fig 1) and TPO plan (map) showing tree locations.
- Photographic schedule / annotated tables included within this letter.

I would be grateful if you could acknowledge receipt of this objection and confirm the timetable for determination, including any committee dates and the deadline for any further representations.

Yours sincerely,

Tim Embley

Fairford Consultancy