

Reference	TPO/16/00009
Report Title	Confirmation of Tree Preservation Order No.9 2016
Location	Trackway adjacent to Old Bungalow, Maidstone Road, Hothfield, Ashford, Kent, TN26 1AR
Parish Council	Hothfield Parish Council
Ward	Downs West

Introduction

1. The Joint Development Control Manager and the Head of Strategic Sites and Design have delegated authority to deal with all matters relating to Tree Preservation Orders. However, in order to comply with Human Rights Legislation, it is considered inappropriate for the same officer to make and then confirm Orders under delegated powers where an objection has been received. For this reason the following Tree Preservation Order, which is subject to an objection, is being reported to this Committee with a view to seeking authority for confirmation.

The Order

2. The Order was made on 26th October 2016 to protect an avenue of mature Horse Chestnut trees which line each side of an access trackway within the grounds of the Holiday Inn, Hothfield, which serves Old Bungalow and provides the working farm access to Kempton Manor Farm. A copy of the order may be found in Annexes 1a & 1b.
3. The trees occupy a prominent roadside position offering partial screening to the northern elevation of the dwelling known as Old Bungalow from the adjacent Holiday Inn hotel. Owing to their angle, their contribution to the visual amenity of the area is accentuated when driving east on the A20. (See Annex 1c.)

The long term protection of the trees' is expedient in view of the fact that at least two of the Horse Chestnuts comprising the avenue were removed on or around the 24th October 2016 to widen the access to the working farm of Kempton Manor to facilitate the movement of farm machinery, and in addition, the pruning works were undertaken to further trees in the avenue that did not meet BS3998:2010 standards. There is further concern that the remaining trees may be felled or pruned unsympathetically, this meets the expediency test of the online Planning Guidance Practice para. 010.

4. The purpose of the TPO is to ensure the retention of the trees which are an important local landscape component and a good example of a Horse Chestnut avenue.
5. An objection to the confirmation of the TPO has been received from Mr Wootten of Kempton Manor Farm , on the following grounds :
 - The long-term viability of Horse Chestnuts is significantly at risk owing to pathogens and biological pests;
 - Expediency – the objection highlights that all trees may merit a TPO as they are potentially at risk;
 - The justification of the order is invalid as numerous trees are pruned on farms for access reasons;
 - Continuing applications will need to be made to ensure sufficient access clearance is retained making the TPO impractical to manage;
 - The trees are only partially visible to vehicular traffic and not the most visible on that stretch of road.
 - The benefit of the screening is just for one property – how many other trees should be considered for a TPO on that basis.
6. It has been highlighted in the objection that the long term prognosis for Horse Chestnuts is poor and that they "...may not have future value..."; the trees are currently in good health and alongside many other species such as Ash, Sweet Chestnut, Larch and Oak are the subjects of bio-threats. It does not accord that all species of tree that are subject to bio-threats should have a diminished status as not all trees will be infected and ultimately die – this stance aligns with current Forestry Commission guidance.
7. The test for expediency is comprehensively met according to the Planning Practice Guidance on Tree Preservation Orders, para 010, by virtue of the fact that two mature trees were felled and the likelihood of further pruning operations being undertaken that could have a 'significant impact on the amenity of the area'.
8. The confirmation of the order does not preclude the management of the trees for legitimate farming access. There are many TPOs in force that co-exist with farming operations and with a demonstrable need a pragmatic approach to applications is taken. The TPO application process is a straightforward and easy administrative task, either online or by paper submission - applications are usually processed within five to eight weeks. The TPO should ensure that anyone making a proposal for works, including farmers and future residents,

will be aware of the need to consider the impact on the trees and ensure that the quality of the works meets BS3998:2010.

9. The avenue of trees is highly visible from the A20 when travelling in an easterly direction as shown in annex 1c. The angle of the trees in relation to the road enhances their contribution to the amenity of the area when travelling east. This is not the sole public interaction with the avenue as an amenity feature, as customers using the car park to the Holiday Inn and Hop Pickers Public House will note its presence. In addition, public right of way AW127 runs through the avenue on its route from the A20 to Ram Lane. The benefit of the screening is important to the residents of The Old Bungalow, however, this is not the only benefit as the landscape feature provides an important screen and demarcation from the residential plot and the commercial activities of the hotel and public house.

For the reasons above it is appropriate to confirm this order to protect the long term future of the trees.

Recommendation

To confirm the order notwithstanding the objection.

Contact Name: Phillip Cook

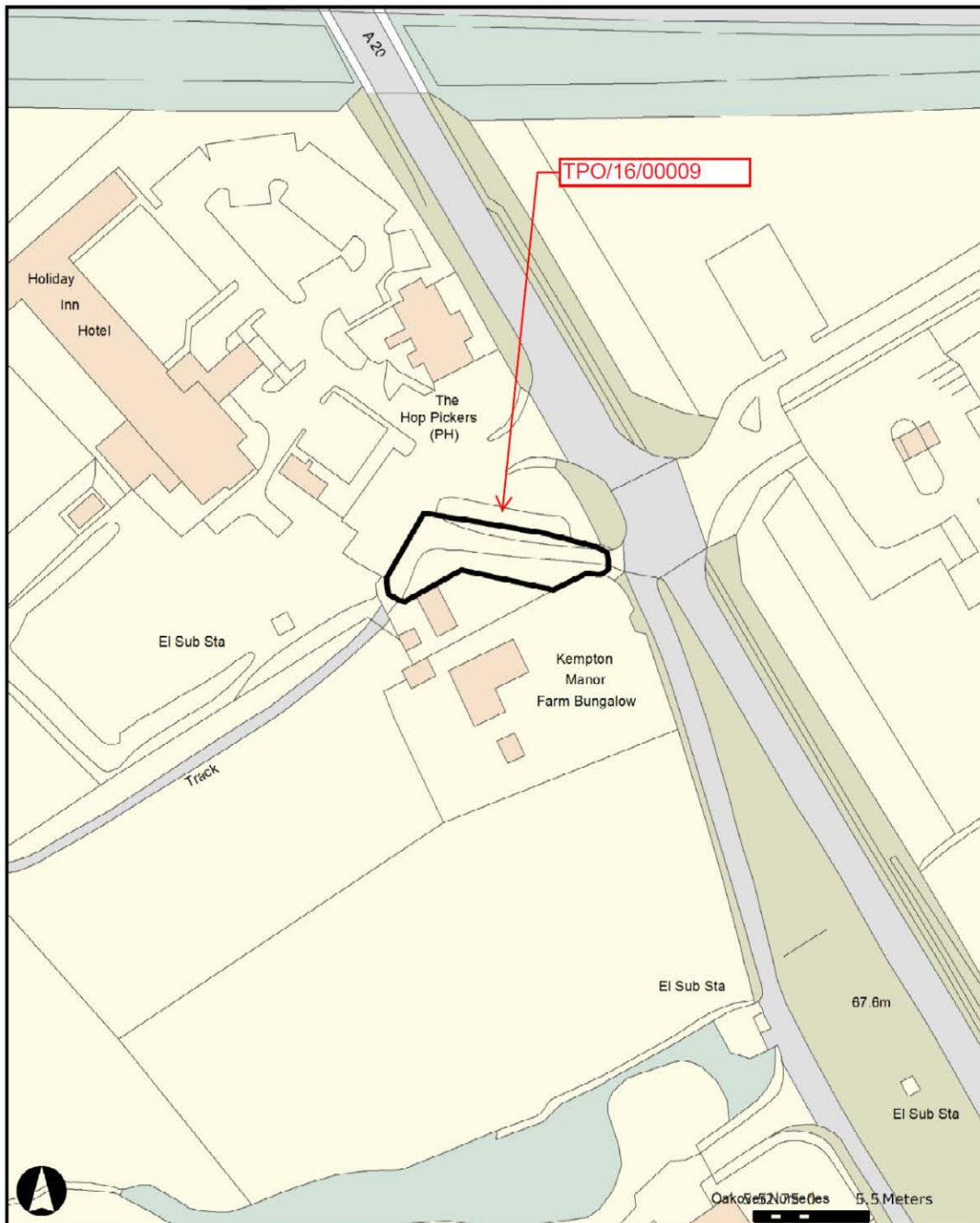
Telephone: (01233) 330206

Email: phil.cook@ashford.gov.uk

Annex 1 - Location Plan



Ashford Borough Council



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Annex 1a - Schedule of TPO Trees

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually
 (encircled in black on the map)

Reference on map	Description	Situation
		None

Trees specified by reference to an area
 (within a dotted black line on the map)

Reference on map	Description	Situation
		None

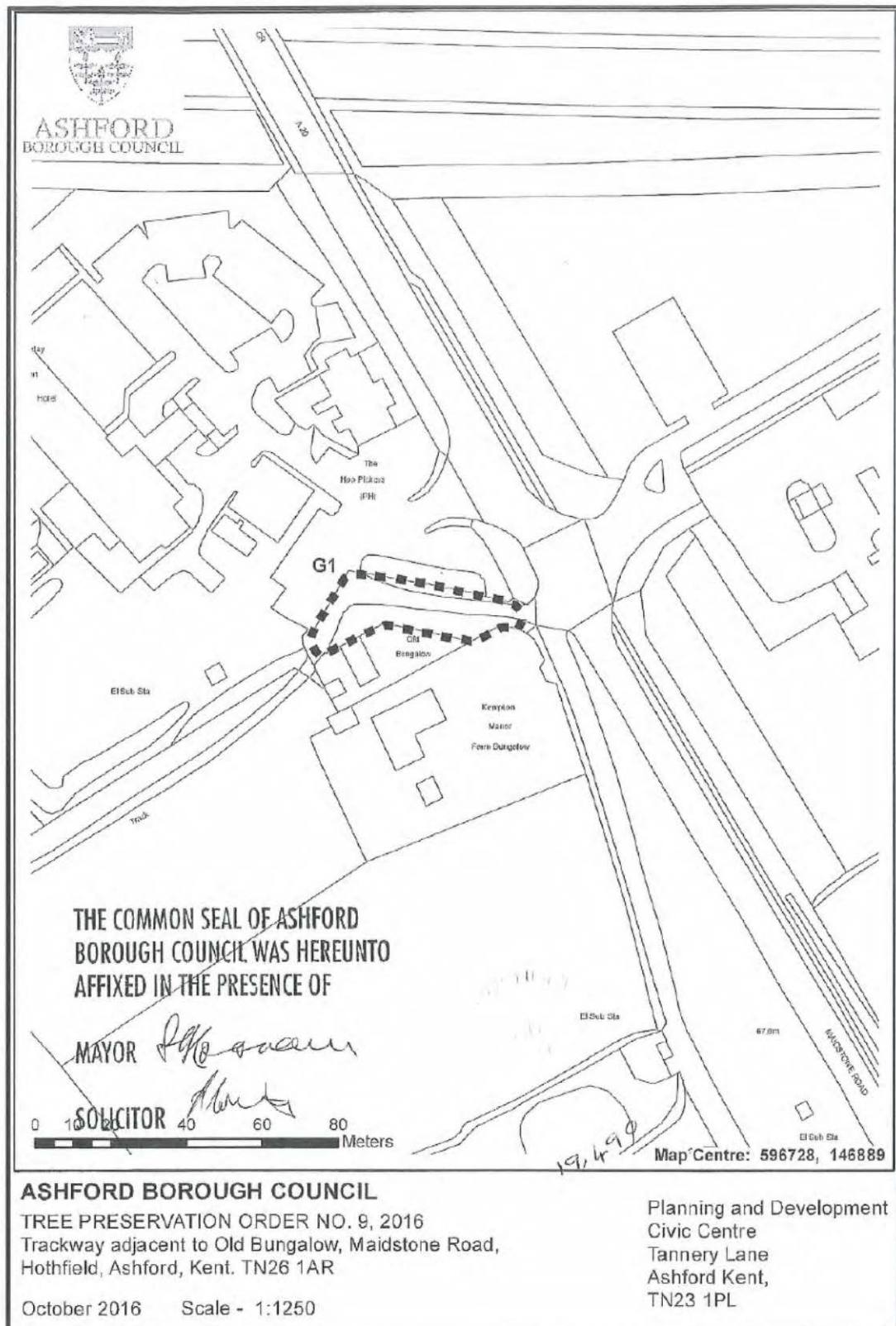
Groups of trees
 (within a broken black line on the map)

Reference on map	Description	Situation
G1	Horse Chestnut	11no. Trees on trackway at side of Old Bungalow, Maidstone Road, Hothfield, Ashford, Kent TN26 1AR

Woodlands
 (within a continuous black line on the map)

Reference on map	Description	Situation
		None

Annex 1b - TPO 9 2016 Map as Sealed.



Annex 1c - Google Street View Recorded Two Months Prior to Works and
Photograph taken 25th Oct Following Tree Removal

