

Appeal Decision

Site visit made on 28 May 2020

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/TPO/2350/7722

Address: Crafnant, 14, Whinney Lane, Langho, Blackburn BB6 8DQ

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Mr Mark Forbes against the decision of Ribble Valley Borough Council.
 - The application, Ref: 3/2019/0822 dated 18 September 2019, was refused by notice dated 14 November 2019.
 - The work proposed is fell an oak tree (T20).
 - The relevant Tree Preservation Order (TPO) is the Ribble Valley Borough Council Langho, Whinney Lane TPO 1989 no.2, which was confirmed on 20 March 1989.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this case are the impact of the removal of the tree on the character and appearance of the area and whether sufficient justification has been demonstrated for the proposed felling.

Reasons

3. The appeal premises are set back from the public highway behind a grassed verge, believed to be in the ownership of the Highway Authority. A tarmac drive runs to the house across this verge, close to the subject tree.
 4. The tree itself is a mature oak, and I have not been made aware of any diseases or structural issues, nor did I observe any during my visit. It forms part of an attractive and verdant townscape in this part of Langho. It is highly visible to road users and those living in surrounding properties and makes an appreciable contribution to the locality.
 5. The loss of the tree would cause considerable harm to the character and appearance of the area. Under those circumstances, any reasons given to justify the removal of the tree would need to be convincing. In this case the only justification put forward relates to root damage to the driveway.
 6. No further detail of the damage has been given by the appellant, although the Council has stated that the driveway seems to have been lifted by the roots. I
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have to say that, on my visit to the site, I did not observe any evidence of this, though as the authority has accepted that to be the case this is not a matter which needs to be pursued further.

7. In any event, as the Council has suggested, this sort of issue can often be tackled by the use of permeable materials or a cellular confinement system. Nothing has been put forward to indicate why this is not an option in this case.
8. With any application to fell protected trees a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case there has simply been insufficient evidence put forward to justify the removal of the protected tree.
9. Thus, having considered all matters, I find that the loss of the oak tree would result in significant harm to the character and appearance of the area. Insufficient justification has been provided to fell the tree and the appeal should be dismissed.

Phillip Ware

Inspector