

**CITY OF LEEDS TREE PRESERVATION ORDER (NO.16) 2024  
TPO 2024 16 (WESTFIELD GROVE 78 ST MICHAELS ROAD HEADINGLEY  
LEEDS LS6 3BG)**

**1. BACKGROUND**

A Conservation Area notification under s.211 of the Town and Country Planning Act 1990 (Ref: 24/00528/TR) was received by the Council on 29 January 2024.

When considering applications under s.211 of the Town and Country Planning Act 1990 to grant consent to carry out prohibited activities to a tree in a Conservation Area in accordance with the 6 March 2014 Tree Preservation Orders and trees in conservation areas Guidance (Paragraph: 118 Reference ID: 36-118-20140306) Leeds City Council ('LCC') "may:

- 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; 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."

The Tree Preservation Orders and trees in conservation areas Guidance also provides guidance on the definition of amenity:

"What does 'amenity' mean in practice?

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future."

Paragraph: 007 Reference ID: 36-007-20140306

The notification was to undertake the proposed work:

T1 Lime: Raise the existing crown of the tree by an additional 3m, to give 6 metre clearance form ground level.

LCC Officer visited site 14 February 2024. T1 was considered to be in good condition with amenity value. T1 had sufficient clearance over the highway, and the proposed crown lift appeared likely to result in removal of multiple primary branches. The proposed work was considered to be unsuitable, and detrimental to the condition, form and amenity value of T1.

In order to prevent potentially unsuitable work to prominent trees with amenity value, it was deemed expedient for the Council to serve a Tree Preservation Order ('TPO') on the site, which was made on 05 March 2024.

## **2. OBJECTION**

An objection to the Order was received from the applicant, Ms Hazel Savage, by way of an email on 31 March 2024.

The objection may be summarised as follows;

- T1 does not merit a Preservation Order due to its species (1-2).
- The Order may impact on property value, and ability to sell the property (3)
- The tree is a risk to public health and safety (4-9)
- The Council will be held responsible in the event of tree or branch failure (10)
- The Council has a legal responsibility to ensure trees on the street are maintained, due to the Conservation Area designation (11-13)

## **3. COMMENTS OF THE TREE OFFICER IN RELATION TO THE OBJECTION**

1. As per Tree Preservation Orders and trees in conservation areas Guidance, "Protected trees can be of any size or species." (Paragraph: 011 Reference ID: 36-011-20140306).
2. T1 is a mature, prominent tree and so is considered to merit an Order due to its size and form, and contribution to the character of the Conservation Area (Paragraph: 008 Reference ID: 36-008-20140306).
3. The potential impact of a TPO on property value is not something that is considered, as part of the TPO process.
4. The objection suggests that T1 is a risk to public health and safety. The objection has highlighted a recently failed branch, and their appointed contractor has suggested that "a fault line 1m into the canopy" poses a significant risk of further branch failure. These were also highlighted in the application.
5. The failed branch is dead. Occasional deadwood is a normal feature of mature trees, particularly when trees have not been routinely managed. As per Guidance, "the exceptions allow removal of dead branches from a living tree without prior notice or consent" (Paragraph: 079 Reference ID: 36-079-20140306). The Order will not prevent current or future occupiers from effectively managing dead wood in T1.

6. Regarding the “fault line”, this was not visible at time of site visit. The initial application, and subsequent objection, have not provided evidence of this feature.
7. If a branch on T1 does have the feature described, this could be addressed through targeted lateral reduction, or removal of, the branch, as opposed to the full crown lift proposed.
8. Crown lifting the entire tree by an additional 3m is likely to result in primary branches being removed to the main stem. As per BS3998:2010 7.6: “Crown lifting should be avoided or minimised in mature trees [...] since it can increase the probability of stem failure”. Removal of primary branches will create large wounds with the potential for “extensive decay, which [can] lead to mechanical failure”.
9. The proposed work is considered disproportionate to the risk associated with T1, and likely to increase the risk associated with T1, rather than decrease it.
10. The objector has suggested that they would hold the Council responsible in the event of tree failure. The Objector could seek compensation under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 if they can show that the refusal of his application caused loss or damage over £500.
11. The trees at highlighted in the objection are situated on private land. The landowners are responsible for the management of trees.
12. The Council can serve notice on private tree owners, notifying them that trees require management, in particular circumstances (for example, if low branches are limiting access on a public highway, or if trees are found to be an unacceptable level of risk).
13. If the objector has concerns regarding privately owned trees, these can be raised at [hfhaction@leeds.gov.uk](mailto:hfhaction@leeds.gov.uk), for an Officer to assess.

#### **4. CONCLUSION**

The Order is warranted on the grounds of amenity and expediency and therefore, the imposition of the Order is appropriate.

The Council will consider future tree works applications. Permission is not required for the removal of dead wood.

#### **5. RECOMMENDATION**

The Order should be confirmed, as originally served.