

**THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL  
(STRETTON GRANGE, STRETTON GRANDISON,  
HEREFORDSHIRE) TREE PRESERVATION ORDER 2009**

**Report By: Head of Planning Services**

**Wards Affected**

Frome

**1. Purpose**

To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees at Stretton Grange, Stretton Grandison and determine whether to confirm the order and revoke the Area Order made in 1987 covering trees within the former curtilage of the house.

**2. Order Description and Details**

- 2.1 This Order concerns 12 individual trees and 3 groups of trees in what were formerly the grounds of Stretton Grange. They comprise:

T1 - Sycamore  
T2 – Sycamore  
T3 – Sycamore  
T4 – Sycamore  
T5 – Horse Chestnut  
T6 – Yew  
T7 – Horse Chestnut  
T8 – Sycamore  
T9 – Sycamore  
T10 – Hornbeam  
T11 – Acacia  
T12 – Acacia

G1 – 3 Horse Chestnuts and 1 Sycamore  
G2 – 3 Sycamore  
G3 – 4 Yew

- 2.2 The Order was made on 10<sup>th</sup> June 2009 under emergency procedures in accordance with section 198, 201 & 203 of the Town and Country Planning Act 1990.

- 2.3 The reasons for making the order were:

*“The trees within the order are considered to contribute to the amenity and character of Stretton Grandison, in particular the setting of Stretton Grange and more recent development within its former curtilage; to the boundary between the settlement and open countryside; and the setting of adjacent properties. The Council considers it expedient to protect these trees and the contribution they make to the visual amenity and mature landscape qualities of the area”.*

**3. Background**

- 3.1 Former Malvern Hills District Council confirmed a Tree Preservation Order at The Grange, Stretton Grandison on 30<sup>th</sup> June 1987. This was an 'Area Order' with the trees defined as: 'The several trees of whatever species standing within the area numbered A.1. on the plan'.
- 3.2 Government guidance, set out in its Guide to the Law and Good Practice indicates that 'Area Orders' should generally be used as a temporary measure, to be replaced subsequently by orders specifying those individual or groups of trees to be protected in more detail. In particular 'Area Orders' have a draw-back in that only those trees present when the order was made are protected. As 'Area Orders' age the ability to discern those trees that are covered reduces as does the ability to take action in the event of possible breaches of the order.
- 3.3 Following consultation with the Chairman of Northern Area Planning Sub-Committee and the local member a new provisional Tree Preservation Order was made covering a number of trees within the current Area Order with the intention that if and when confirmed the Area Order would be revoked. The effect of this would be to leave those trees not covered by the new order without TPO protection. However Stretton Grange falls within Stretton Grandison Conservation Area and works to these other trees would be subject to prior notification under the conservation area procedures, unless they are dead, dying or dangerous.
- 3.4 Some 22' trees falling within the current 'Area Order' were excluded from the new order.
- 3.5 Planning permission (code DCNE03/3706/F), to change the use of Stretton Grange to 3 apartments, with an additional 3 houses with garages, parking spaces and associated drainage was granted on 29<sup>th</sup> July 2004. Planning permission was also granted to convert Stretton Court Barn to 3 units (Code NE2006/0670/F). These permissions have been implemented. The trees covered by the Area Order now fall within the various curtilages of these properties
- 3.6 A number of applications to do works to the trees covered by the TPO have been received in recent years as a consequence of concerns relating to their health and effect on residential amenity.

#### **4. Policies**

- 4.1 Herefordshire Unitary Development Plan states:-

"Policy LA5 Protection of trees, woodlands and hedgerows

The enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by:

1. Placing Tree Preservation Orders where necessary on trees, groups of trees and woodlands of amenity value, and making use of hedgerow protection legislation;
2. Resisting proposals that would cause loss or damage to trees, hedgerows or woodlands which are worthy of retention. In particular proposals affecting protected trees will be subject to rigorous examination and only permitted where the development is in the public interest. Where the felling of protected trees is accepted replacement planting will be sought;"

#### **5. Representations**

- 5.1 The new TPO was served on those whose land contains the trees together with all immediately neighbouring properties. The intention to revoke the current TPO on confirmation of the new TPO was also indicated to these property owners.

5.2 Representations have been received from Mr J Brock of The Old Hop Barn, Stretton Grandison. The issues raised by Mr Brock include:

- The TPO schedule incorrectly places group G2 in the curtilage of Beech House when it should be Yew Tree House;
- A second Yew in the garden of Yew Tree House should be protected by the TPO rather than omitted from such protection as currently proposed;
- Expresses concern that trees not covered by the TPO will not be subject to control over the works;
- The judgement for determining whether permission is granted or refused is unsatisfactory in that it is left to one individual, and unchallengeable.

## 6. Officer Appraisal

6.1 The original Tree Preservation Order was prepared over 20 years ago and the site has been the subject of a number of planning permissions that have resulted in the construction of 3 new dwellings and the conversion of Stretton Grange and its associated barn to residential units. The age of the original order, changes in the amenity value and condition of the trees, and the Secretary of State's advice upon the use of 'Area Orders' are such that it was considered appropriate to undertake a review of the trees on the site.

6.2 The new Order contains those trees considered to have sufficient amenity value to warrant protection. Those trees excluded from the new order and the reason for not including them are as follows:

- Sycamore tree, rear garden of Yew Tree House (Tagged 1437) – this tree has internal decay and there are doubts over its safety.
- Sycamore tree to rear of Yew Tree House (Tagged 1440) – a mature and heavily unbalanced tree growing at an acute angle over adjoining property with a high probability of failure in the near future.
- Yew tree to rear of Yew Tree House – (Tagged 1441) does not score sufficiently in relation to amenity rating, and in particular is of poor form.
- Group of 6 sycamore trees to rear side of Sycamore House (no tags) - do not score sufficiently in relation to the amenity rating and have stability issues in addition to growing too closely together to allow further amenity potential to develop.
- Group of 8 sycamore to rear of Sycamore House (tagged 1412, 1414, 1416, 1417, 1418, 1455, 1456, and 1457) – considered to present a foreseeable threat to nearby property in view of either basal cavities or secondary cavities at main forks.
- Group of 5 trees of various species at the front of the former Stretton Grange - do not score sufficiently in relation to the amenity rating and with no further potential (tagged 1401, 1402, 1403, 1404, and 1405).

6.3 The amenity rating scheme referred to was introduced by the Council in order to achieve consistency in terms of judging whether a tree has sufficient amenity value to warrant protection. Government advice indicates that trees that are 'dead, dying or dangerous should not normally be protected by Tree Preservation Orders'.

6.4 In relation to the representation received, Schedule 1 is incorrect and should be amended to show group G2 in the rear garden of Yew Tree House. The tree is correctly shown on the TPO plan. Officers have looked again at the second yew tree to the rear of Yew Tree House and remain of the opinion that it is of such poor form that it does not warrant inclusion in the TPO. Although those trees not included within the TPO will be subject to the conservation area

notification procedure, in effect their exclusion represents your officers' view that they would not merit retention either because of their health or the lack of amenity value. The determination of applications to do works to trees covered by a TPO is fully delegated to officers and the arrangements are similar to that for planning applications in that the determining officer shall not be the same as the case officer.

- 6.5 Recent inspection of trees within group G1 has identified that 2 horse chestnuts are showing signs of vascular dysfunction that we believe to be the product of phytophthora. There is the possibility that if this is the case, the disease might spread to adjacent trees, some of which are of particularly high amenity value. The owners of these trees might usefully be advised of this concern and advised to seek advice from an appropriately qualified arboricultural consultant. Should the vascular dysfunction prove to be a virulent form of phytophthora then there will be no option but to seek the removal of the trees.

**RECOMMENDATION****THAT**

- i) The County of Herefordshire District Council (Stretton Grange, Stretton Grandison, Herefordshire) Tree Preservation Order 2009 be confirmed with Schedule 1 being amended to indicate group G2 is to the rear garden of Yew Tree House.**
- ii) Upon the serving of the TPO confirmation in i) the Malvern Hills District Council (The Grange, Stretton Grandison) Tree Preservation Order No151, 1987 be revoked.**



**STRETTON GRANDISON**  
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