Yorkshire Dales National Park Authority **Item 6**

Planning Committee

20 January 2026

Confirmation of Tree Preservation Order No 1 (Sedbergh) 2025

Purpose of the Report

1. To consider objections made in respect of Tree Preservation Order No.1 (Sedbergh) 2025 and decide whether or not to confirm the Order

Reason for Committee Consideration

2. Planning Committee must consider whether or not to confirm Tree Preservation Order No.1 (Sedbergh) 2025 (**Appendix 1**), in light of the five letters of objections that have been received (**Appendix 2**).

Recommendation

3. That Tree Preservation Order No.1 (Sedbergh) 2025 is confirmed without modification.

Strategic Framework

4. The information and recommendation contained in this report is consistent with the Authority's statutory purposes and supports the strategic planning framework:

    - Corporate plan Objective 23: Provide an efficient development management service that supports appropriate opportunities for economic and community development whilst helping to conserve and enhance the special qualities of the National Park.

Background

5. Under the Authority's Scheme of delegation, the Director of Conservation and Community is authorised to make Tree Preservation Orders (TPOs) where there appears to be a threat to important trees, and to confirm TPOs where no objections have been received. Authority from Members is required to confirm TPOs where objections have been received – as in this case.

6. The Authority may make a TPO if it appears to them "expedient in the interests of amenity" to do so.

7. Under delegated powers a TPO was made on 29 July 2025 in relation to a wooded area along the roadside of Sycamore Avenue, Sedbergh. The TPO took effect provisionally on the day it was made and will remain in force for six months (until 26th January) or until confirmed (if earlier). The Authority must decide whether or not to confirm the TPO (with or without modification) before the six-month protection period expires or the TPO will lapse.

8. The time allowed for making representations and objections to the TPO expired on 9 September 2025. Five letters of objection have been received (**Appendix 2**). The objections are from the owner of the trees, the owner's Agent, local residents, and Parish Council. The objections remain outstanding.

9. The Authority cannot confirm the Order unless it has first considered any duly made objections or other representations. Flowchart 1 (**Appendix 3**) shows the process for confirming an Order.

Reasons for making the TPO

10. The Trees and Woodlands Officer was contacted by Cobble Country Property Estates on 4 July 2025 who manage communal areas on Woodside Avenue and Sycamore Avenue in Sedbergh; one of which is a small, wooded area along the roadside of Sycamore Avenue, and which borders onto some of the properties on both Sycamore Avenue and Woodside Avenue. This small woodland is known locally as 'The Mound.'

11. Cobble Country Property contacted the Authority by email, titled 'Trees chopping in Sedbergh', to advise that they had been contacted by the owner of a neighbouring property, who requested to have this particular group of trees behind their property pruned on the basis that their insurance company had required that all adjacent trees needed to be less than 10 metres in height. This advice is not in line with best practice, and not consistent with BSI British Standards 3998:2010 (Tree Work – Recommendations).

12. Cobble Country Property expressed their intention to reduce the tree canopy in this area, including potential felling. This group of trees was not protected and was now deemed under threat.

13. The Trees and Woodlands Officer carried out a site visit on Wednesday 9 July 2025. The trees are mixed deciduous, comprising of alder, birch, wild cherry, oak, lime, rowan, hazel, hawthorn, holly and willow. As a group, they have a high amenity and habitat value, offering a green space within the urban setting. Indeed, they are equal to the amenity value of other groups of trees in the nearby vicinity that are protected by TPO, specifically TPO No.6 (Sedbergh) 1992, and it was the opinion of the Trees and Woodlands Officer that the unprotected group of trees in question should be regarded as a public asset rather than a liability and afforded the same level of protection.

14. Furthermore, this group of trees was planted as part of the approved plans for the housing development, now known as Sycamore Avenue and Woodside Avenue, in 1996 (Ref no: S\03\102 – Land between Howgill Lane and Auction Mart, Sedbegh,

Crowther Homes Ltd). The trees have established well and maturing nicely, forming a diverse, healthy structure from large canopy tree species to smaller understory species, and together have now formed a closed canopy.

15. Protecting this group of trees would ensure that any future management is carried out appropriately, to BS 3998:2010, and by a qualified Arborist. It also ensures that replacement trees can be conditioned with any consent to fell.

16. When considering whether trees should be protected by an Order, Government Guidance suggests that authorities should assess the amenity value of trees in a structured and consistent way, taking into account the following criteria:

- **Visibility**
  The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

- **Individual, collective and wider impact**
  Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
    i. size and form;
    ii. future potential as an amenity;
    iii. rarity, cultural or historic value;
    iv. contribution to, and relationship with, the landscape; and
    v. contribution to the character or appearance of a conservation area.
- **Other factors**
  Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

17. Generally, the Authority will consider making a Tree Preservation Order if the tree:
    - will make a significant contribution to the local landscape either now or in the future;
    - appears to be under threat;
    - is expected to live longer than 10 years barring unforeseen circumstances;
    - will grow without causing a legal nuisance either now or in the future.

18. A Tree Evaluation Method for Preservation Orders (A systemised assessment tool for TPO suitability) was undertaken in accordance with government guidance, with the results demonstrating that the group of trees have significant amenity value and is highly suitable for protection by Tree Preservation Order.

Consideration of Objections

19. Five letters of objection (Appendix 2) were received. The key points raised in the objections can be summarised as follows:

- WGMC object strongly on confirming the TPO on the basis that they believe the woodland is already within good management and have reached out to the YDNPA's Trees and Woodlands Team in the past for advice;
- The order would give YDNPA an undue degree of control over the area of planting and that a TPO on this group of trees would simply allow YDNPA to refuse works, whereby a lack of one would compel better engagement to ensure better management;
- The trees were planted too closely to the properties at the time;
- Multiple objections claim there is a need for some management with regards to light and leaf litter, especially now that the trees are establishing and growing taller. There are also concerns that if a tree fell it could damage properties.

The Trees and Woodlands Officer has considered the objections and the following comments are made:

- Even though only a couple of trees on the perimeter of the woodland have been identified as being 'at risk' at this time, the amenity and habitat value of the trees lies in their form as a woodland, therefore, it needs considering as such;
- Although historically the woodland may have been managed appropriately, with possible input from the Authority's Trees and Woodlands Team (although no records can be found), there is clearly now some pressure from local residents for more intensive management – expediting the need to afford the trees the protection of a TPO;
- Circumstances are seemingly changing – as the woodland grows and matures, it inevitably puts more 'perceived' pressure onto the adjacent properties – as clearly demonstrated by the manner of the collective objection from the home owners at no.3 and no.5 Woodside Avenue who state that the trees are becoming tall, dense and a 'nuisance'. These trees are not currently causing a legal nuisance and were in good health at the time of the site visit. A TPO will ensure that an acceptable balance is achieved between sound arboricultural management and property maintenance.
- Sedbergh Parish Council claim that placing a TPO on 'The Mound' would prevent better engagement and management of the trees. On the contrary, the purpose of a TPO, besides protecting trees with high amenity value, is to ensure that appropriate management is carried out to the trees by way of an application process.

20. It is the Officers' opinion that these trees have significant amenity value and that it is expedient to confirm the Tree Preservation Order, despite the objections. This will ensure appropriate management is undertaken and considered in the future.

Financial Implications

21. None

Legal Implications

22. The TPO is effective for a period of six months from the date it was made during which time it may be confirmed with or without modification. If it is not confirmed within the six month period, the TPO will lapse and the trees can be pruned or felled without the consent or involvement of the Authority. If the TPO is confirmed the decision can only be challenged in the High Court on a point of law.

Equality, Diversity and Inclusion Implications

23. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

24. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the Order should be confirmed or not confirmed on equality grounds.

Conclusion

25. It is considered that the trees identified in **Appendix 1** merit the continued protection of a TPO, despite the objections to the Order and as such the Order should be confirmed without modification.

Meghann Mezzanotte
Trees and Woodlands Officer

1. **Appendix 1** Tree Preservation Order No.1 (Sedbergh) 2025
2. **Appendix 2** Letters of objection
3. **Appendix 3** Flowchart: Making and Confirming a TPO