THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012, SI No. 605

TREE PRESERVATION ORDER APPEAL QUESTIONNAIRE

This appeal is being processed under the Fast Track regulations. Please complete this questionnaire and aim to return it to the Planning Inspectorate by 14 days from today. Please send a copy of this form to the Appellant/Appellant's Agent.

1. Details of the Appeal

Appellant's name and address:	**Miss F Cacheux, 22 Bishops Court, Eastleigh, Hants SO50 6PE**
Agent's name and address:	
Details of appeal:	**Refusal of consent to fell a Tulip tree**
Pins reference:	**ENV/3160296**

2. Background information

	Yes	No
(a) Is the appeal tree/ are the appeal trees located in a Conservation Area?		✓
(b) Is the appeal site subject to a separate live planning application or appeal to the Secretary of State?		✓

If yes, please provide the name of the conservation area or your reference for the planning application:

(c) Is the site readily accessible for close inspection from public land, a public footpath, the roadside or is/are the tree(s) in a front garden?		✓ Trees in rear garden

Copies of the following are enclosed:

Item	Yes	No	Already submitted
(d) The application for consent including all enclosures	✓		
(e) Your decision on the application	✓		
(f) The tree preservation order (TPO)	✓		
(g) A plan/map showing the location of the relevant TPO tree(s)	✓		
(h) **Evidence** that the order was confirmed ***This is a mandatory requirement. If the TPO has not yet been confirmed, you should advise us of the anticipated date of confirmation. We cannot proceed with the case until the TPO is confirmed. If you are unable to supply evidence that the TPO was confirmed, it is likely that we will decide that the appeal is invalid and the tree not protected.***	No evidence found. Invalid?	**Not applicable**	
(i) An up-to-date A4 plan of the area showing the appeal site, tree(s) near the centre and major roads at 1:1250 or 1:1000 scale or similar	✓		

(j) An up-to-date map of the Conservation Area showing the site marked (if applicable)		N/A	
(k) The council officers or committee's report on the application (if any)	✓		
(l) Third party representations	✓		

3. Conditions

It is important that you set out any conditions you would like the Inspector to impose if allowing the appeal in part or in full, particularly with regard to replanting if the appellant is seeking consent to fell.
Re-plant same species large specimen.

4. Copy to appellant

Please tick this box to confirm **a copy of this questionnaire and background papers** have been sent to the appellant ☑

Name:	ANGELA RAINGER	Date:	19/10/16
Signature:	[redacted]	Tel:	[redacted]

d.

Development Control
Civic Offices, Leigh Road
Eastleigh SO50 9YN
Tel: 023 8068 8264
www.eastleigh.gov.uk
Office Hours:
Monday to Thursday 8.30am - 5pm
Friday 8.30am - 4.30pm

For office use only

Application Number:

Date Valid:

Officer:

Customer Service Centre
21 JUL 2016
.....

EASTLEIGH BOROUGH COUNCIL

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

Town and Country Planning Act 1990

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.
You must use this form if you are applying for work to trees protected by a tree preservation order (TPO). (You may also use it to give notice of works to trees in a conservation area).
It is important that you read the accompanying guidance notes before filling in the form. Without the correct information, your application / notice cannot proceed.

1. Applicant Name and Address

Title:	MISS
First name:	FREDERIQUE
Last name:	CACHEUX
Company (optional):	
Unit:	
House number:	22
House suffix:	
House name:	
Address 1:	BISHOPS COURT
Address 2:	
Address 3:	
Town:	EASTLEIGH
County:	HAMPSHIRE
Country:	UK
Postcode:	SO50 6PE

2. Agent Name and Address

Title:	
First name:	
Last name:	
Company (optional):	
Unit:	
House number:	
House suffix:	
House name:	
Address 1:	
Address 2:	
Address 3:	
Town:	
County:	
Country:	
Postcode:	

3. Trees Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: | House number: | House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (if known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

4. Trees Ownership

Is the applicant the owner of the tree(s): ☒ Yes ☐ No

If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: | First name:

Last name:

Company (optional):

Unit: | House number: | House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers

Country code: | National number: | Extension number:

Country code: | Mobile number (optional):

Country code: | Fax number (optional):

Email address (optional):

5. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? ☒ Yes ☐ No

Are you wishing to carry out works to tree(s) in a conservation area? ☐ Yes ☐ No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

TPO 26 (22.9.1976)

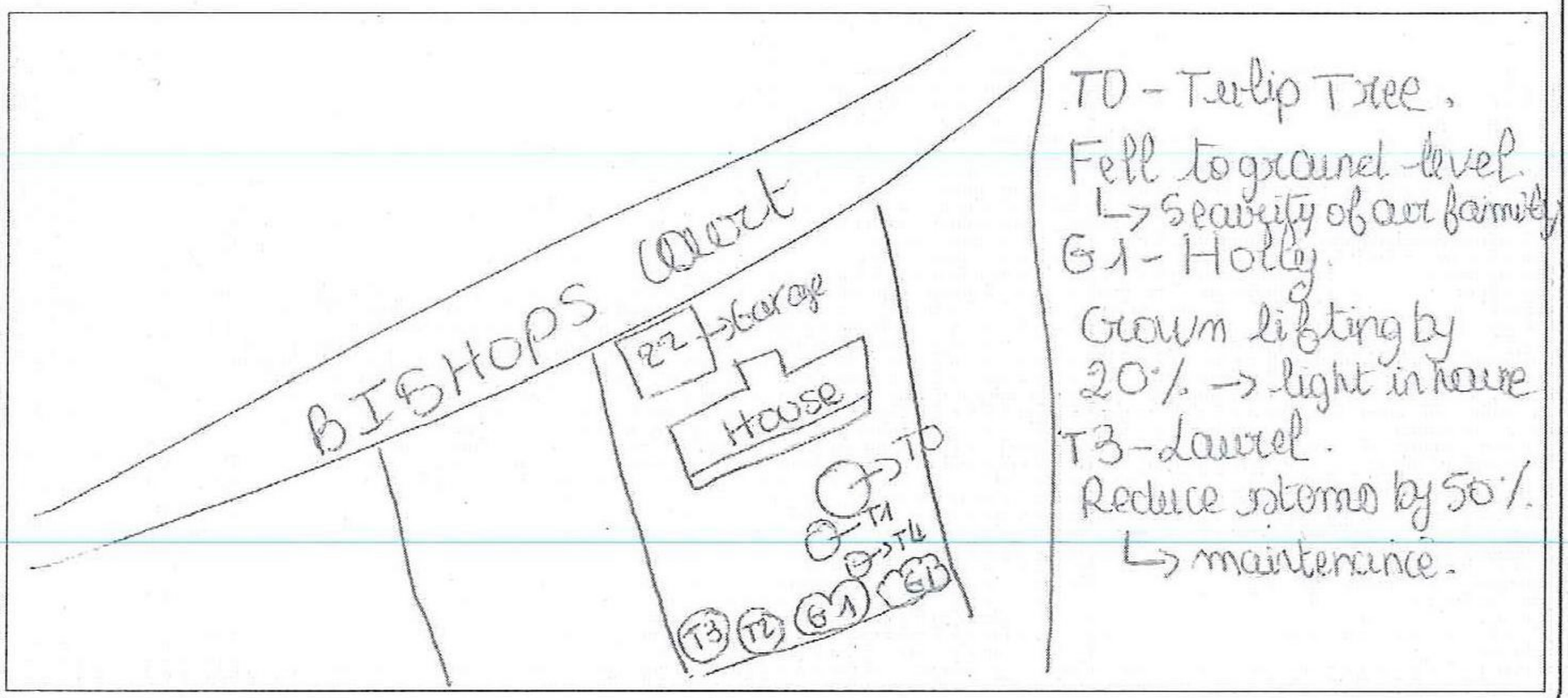
7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below : tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

7. Identification Of Tree(s) And Description Of Works continued ...



8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees
A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO
Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall: ☐ Yes ☐ No
   If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives. ☐ Yes ☐ No
   If YES, you are required to provide for:

   Subsidence
   A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

   Other structural damage (e.g. drains, walls and hard surfaces)
   Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)
Are you providing separate information (e.g. an additional schedule of work for Question 7)? ☐ Yes ☐ No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

9. Authority Employee / Member

With respect to the Authority, I am:

(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☐ No

If Yes, please provide details of the name, relationship and role

10. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8) ☒

For all trees
(see Question 7)

- Clear identification of the trees concerned ☒
- A full and clear specification of the works to be carried out ☒

For works to trees protected by a TPO
(see Question 7)

Have you:

- stated reasons for the proposed works? ☒
- provided evidence in support of the stated reasons? in particular:
  - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert ☐
  - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist. ☐
  - in respect of other structural damage - written technical evidence ☐
- included all other information listed in Question 8? ☐

11. Declaration - Trees

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine op

Signed - A

Or signed - Agent:

Date (DD/

90.07.2016 (This date must not be before the date of sending or hand-delivery of the form)

12. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

13. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner.
(Please see guidance notes)

e

EASTLEIGH BOROUGH COUNCIL

Development Management
Application No T/16/78950
Your ref
Please ask for Tree Officer
Direct dial 023 8068 8422
Hours of work
e-mail trees@eastleigh.gov.uk

Miss Frederique Cacheux
22 Bishops Court
Bishopstoke
Eastleigh
SO50 6PE

26 August 2016

Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012

Application No. T/16/78950

In pursuance of their powers under the above Act and in accordance with your application received on 21 July 2016

the Council, as Local Planning Authority hereby REFUSE TREE CONSENT for the following :

Description: Fell 1no. Tulip tree, crown lift 1no. Holly by 20% & crown thin 1no. Laurel by 50%
Site: 22 Bishops Court, Bishopstoke, Eastleigh, SO50 6PE

For the following reasons:
Note to Applicant: The proposed 1 X Tulip Tree - Fell is considered unjustified. The works would thus result in an adverse impact upon the visual amenity, ecology and wildlife, shelter and screening of the surrounding area.

Note to Applicant: Suggest getting Arboricultural advice to support any future application. Holly and Laurel I do not consider covered under 1976 order.

L O'Driscoll

Louise O'Driscoll
Head of Development Management

N.B. See Enclosed Notes (RTR)

f

TPO 26

FIRST SCHEDULE

Trees Specified Individually

(encircled in black on the map)

No. on Map	*Description*	*Situation*
NONE		

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

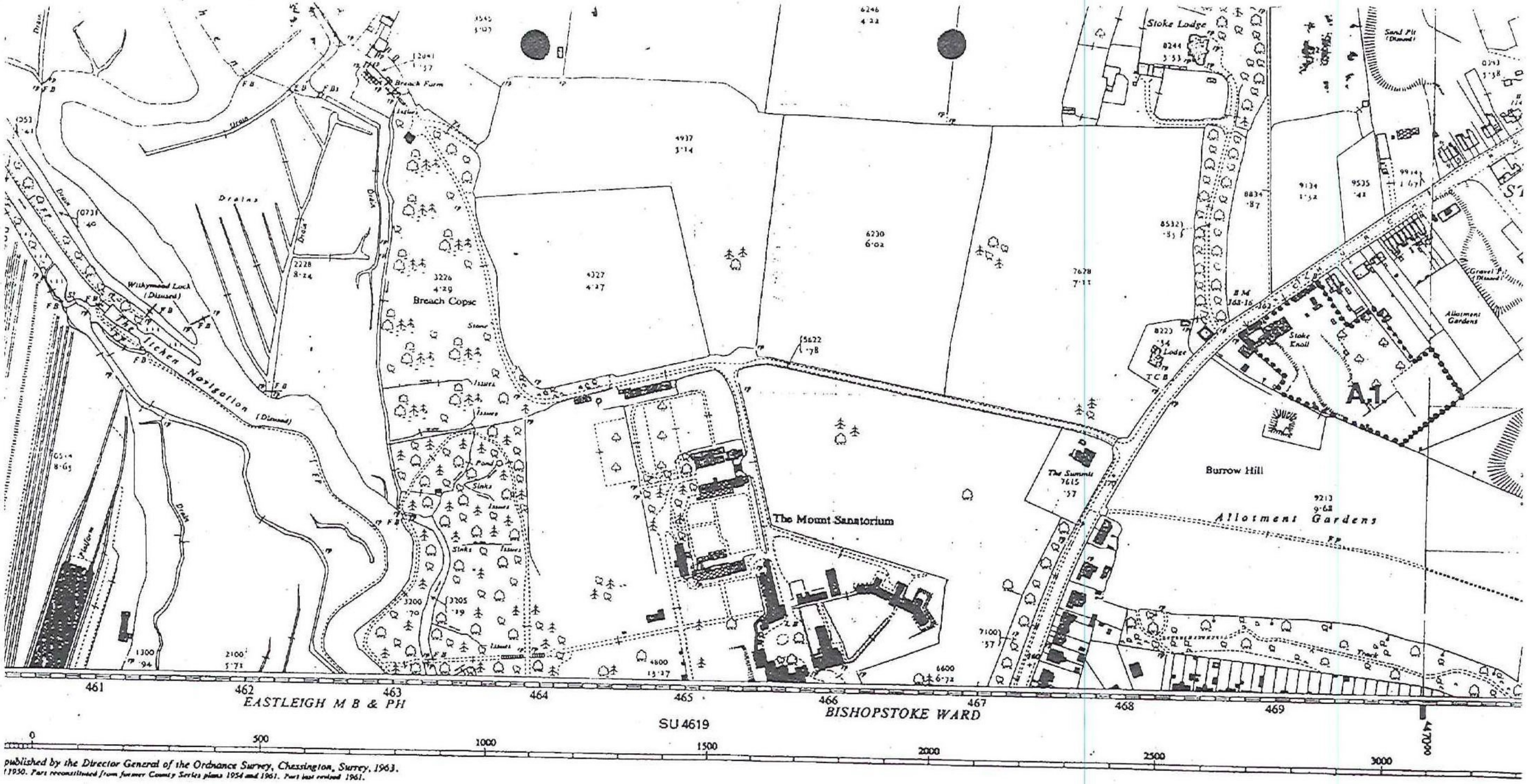
No. on Map	Description	Situation
A.1	The several trees of whatever species standing within the area marked A.1 on the map	The property known as Stoke Knoll, Church Road, Bishopstoke, Eastleigh

GROUPS OF TREES

No. on Map	Description	Situation
NONE		

WOODLANDS

No. on Map	Description	Situation
NONE		



published by the Director General of the Ordnance Survey, Chessington, Surrey, 1963.
1950. Part reconstituted from former County Series plans 1954 and 1961. Part last revised 1961.

EASTLEIGH BOROUGH COUNCIL
E PRESERVATION ORDER No 26
TOKE COMMON, BISHOPSTOKE

E.S. BENEFIELD A.R.I.C.S.
CHIEF PLANNING OFFICER,
EASTLEIGH HOUSE, MARKET ST.,
EASTLEIGH, HAMPSHIRE.

REFERENCE

For fuller information see Reference Card published sepa

NATIONAL GRID REFERENCE

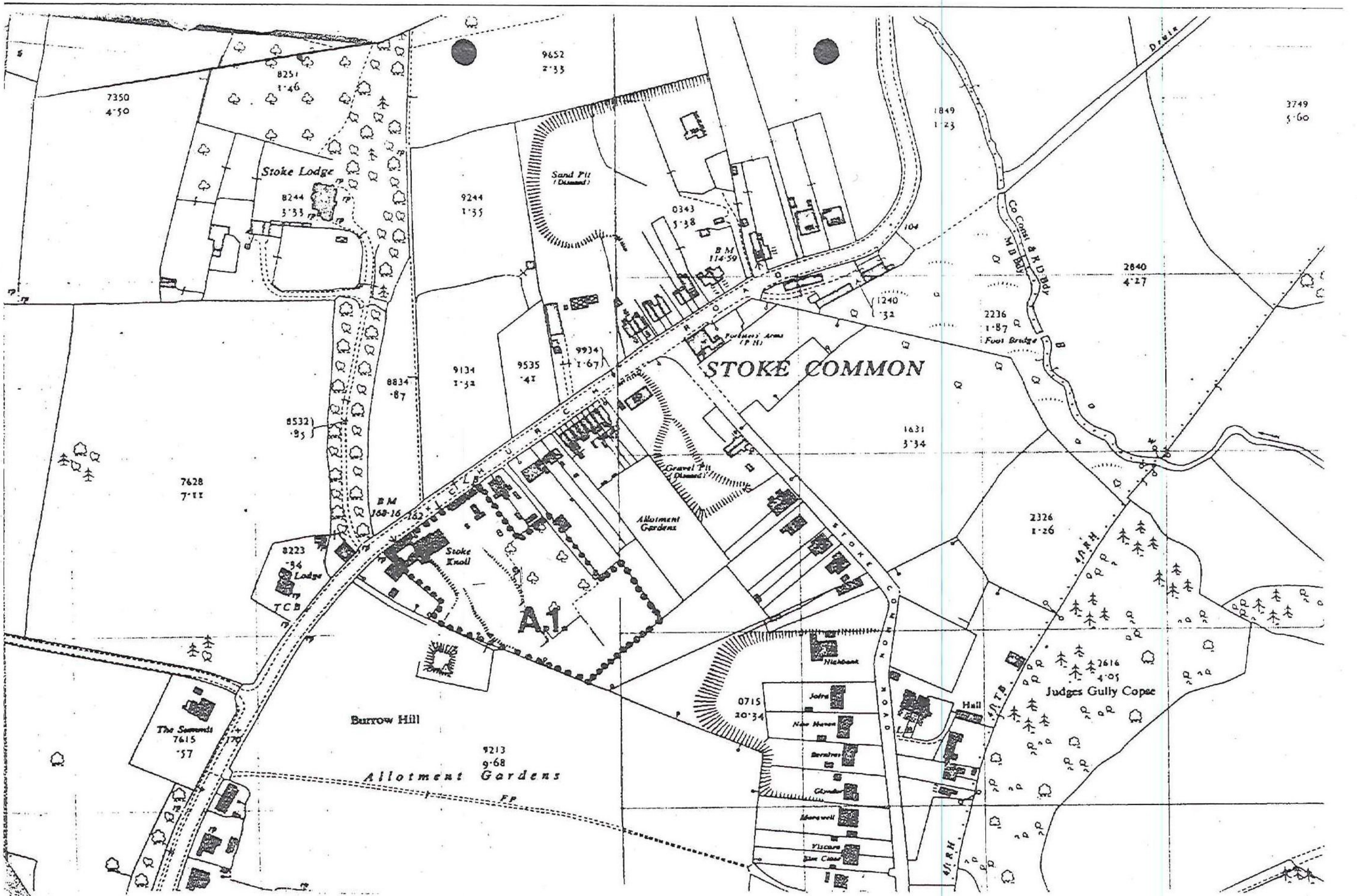
The lines on the plan form part of the National Grid and are spaced at
To give a large scale reference defining the position of a point to the nearest 10 m

EXAMPLE: J in Judges Gully Copse

EASTING		NORTH
Take west edge of square in which point lies and read the figures opposite this line on NORTH and SOUTH margins	472	Take south edge of sq and read the figures EAST and WEST mar
Estimate tens of metres from the grid line	1	Estimate tens of metres
	4722	

TEN METRE REFERENCE: SU 47232016

For further information see "The Projection for Ordnance Survey Maps and Plans and
The representation on this plan of a road, track or footpath is no evidence of the
A square inch on this plan represents ·006 of an acre on the gro
The allotment of intake where shown is approximate.



STOKE COMMON
Stoke Lodge
Sand Pit (Disused)
Gravel Pit (Disused)
Allotment Gardens
Stoke Knoll
Lodge
Burrow Hill
Allotment Gardens
The Summit
Judges Gully Copse
Foot Bridge
Hall
Co Const & R D Bdy
M B Bdy
Drain
A1
STOKE COMMON ROAD
7350
4·50
8251
1·46
9652
2·33
1849
1·23
3749
5·60
8244
3·33
9244
1·35
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5·38
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9535
·41
9134
1·32
8834
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7628
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TPO 26

THE EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1971

LOCAL GOVERNMENT ACT, 1972

TREE PRESERVATION ORDER No. 26

STOKE KNOLL, CHURCH ROAD,
BISHOPSTOKE, EASTLEIGH.

The Eastleigh Borough Council (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Sections 60 and 61 of the Town and Country Planning Act, 1971, and Section 183, Local Government Act, 1972, and subject to the provisions of the Forestry Act, 1967, hereby make the following Order :—

1. In this Order :—

"The Act" means the Town and Country Planning Act, 1971 ; "owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years ; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more ; and a mortgagee in possession; and "the Minister" means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purposes of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent :

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands ; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied :—

(*a*) that the refusal or condition is in the interests of good forestry ; or

(*b*) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless :—

(*a*) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act ; or

(*b*) the authority with the approval of the Minister dispense with replanting.

the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provisions of this Order and Section 175 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to :—

(*a*) species ;
(*b*) number of trees per acre ;
(*c*) the erection and maintenance of fencing necessary for protection of the replanting ;
(*d*) the preparation of ground, draining, removal of brushwood, lop and top ; and
(*e*) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of this Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a river authority, a drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such beylaws and that any such condition or direction has effect subject to the requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board under those byelaws and the condition or direction shall have effect accordingly.

8. The provisions set out in the Third Schedule to the Order being provisions of Part III of the Act, adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage :

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10. In assessing compensation payable under the last preceding Article, account shall be taken of : —

(*a*) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and

(*b*) any injurious affection to any land of the owner which would result from felling of the trees the subject of the claim.

11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by delivering the claim at the offices of the authority addressed to the Director of Administration thereof or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

13. (1) Any person contravening the provisions of this Order by topping or lopping or causing or permitting the topping or lopping of any tree without the consent of the authority is guilty of an offence under sub-section (2) of Section 102 of the Act and liable, on summary conviction, to a fine not exceeding £50 ;

(2) Any person contravening the provisions of this Order by cutting down or wilfully destroying a tree or topping or lopping a tree in such a manner as to be likely to destroy it, or causing or permitting the cutting down or wilful destruction of a tree or the topping or lopping of a tree in such a manner as to be likely to destroy it, without the consent of the authority is guilty of an offence under sub-section (1) of Section 102 of the Act and liable, on summary conviction, to a fine not exceeding £250 or twice the sum which appears to the Court to be the value of the tree, whichever is the greater ;

(3) If, in the case of a continuing offence, the contravention is continued after conviction, he is guilty of a further offence thereunder and liable, on summary conviction, to an additional fine not exceeding £2 for each day on which the contravention is so continued ;

(4) If any tree, other than a tree comprised in a woodland, is removed or destroyed in contravention of this Order or because the tree is dying or dead or has become dangerous, it shall be the duty of the owner of the land, unless on his application the authority dispense with the requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

14. It is hereby directed that the provisions of Section 61 of the Act shall apply to this Order and that this Order shall take effect provisionally as from the date on which the Order is made and shall continue in force provisionally until the expiration of a period of six months beginning with that date, or until the date on which the Order is confirmed or, in the case of an Order which can be confirmed only by the Minister, the date on which he notifies the authority that he does not propose to confirm it, whichever first occurs.

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FIRST SCHEDULE

Trees Specified Individually

(encircled in black on the map)

No. on Map	*Description*	*Situation*
NONE		

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

No. on Map	Description	Situation
A.1	The several trees of whatever species standing within the area marked A.1 on the map	The property known as Stoke Knoll, Church Road, Bishopstoke, Eastleigh

GROUPS OF TREES

No. on Map	Description	Situation
NONE		

WOODLANDS

No. on Map	Description	Situation
NONE		

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to :—

(1) The cutting down of any tree on land which is subject to a forestry dedication covenant where

(*a*) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled ;

(*b*) the cutting down is in accordance with a plan of operations or other working plan approved by the Forestry Commission under such deed.

(2) The cutting down of any tree which is in accordance with a plan of operations or other working plan approved by the Forestry Commission under the approved woodlands scheme.

(3) The cutting down, topping or lopping of a tree exempted from the provisions of this Order by Section 60(6) of the Act, namely, a tree which is dying or dead or has become dangerous, or the cutting down, topping or lopping of which is in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.

(4) The cutting down, topping or lopping of a tree

(*a*) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908 ;

(*b*) by or at the request of

(*i*) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking ;

(*ii*) an electricity board within the meaning of the Electricity Act, 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919, and the Electric Lighting Act, 1882, or interferes or would interfere with the maintenance or working of any such line ;

(*iii*) a river authority established under the Water Resources Act, 1963, a drainage board constituted or treated as having been constituted under the Land Drainage Act, 1930, the Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment Board in relation to the maintenance, improvement or construction of water courses or of drainage works ; or

(*iv*) the Minister of Defence for the Royal Air Force, the Minister for Aerospace or the Secretary of State for Trade and Industry where in the opinion of such Minister or Secretary of State the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations ;

(*c*) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part ;

(*d*) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden ;

(*e*) in pursuance of the powers conferred on the Conservators of the River Thames by virtue of Section 105 of the Thames Conservancy Act, 1932.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act, 1971, as adapted and modified to apply to this Order.

33. **Effect of consents under the Order.** (1) Without prejudice to the following provisions as to the revocation or modification of consents any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except insofar as the consent otherwise provides) enure for the benefit of the land and of all persons for the time being interested therein.

35. **Reference of applications to the Minister.** (1) The Minister may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

(4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section, the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(6) The decision of the Minister on any application referred to him under this section shall be final.

36. **Appeals against decisions.** (1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application or by any such certificate, or the person directed, if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(4) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(5) The decision of the Minister on any appeal under this section shall be final.

37. **Appeal in default of decision.** Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either :—

(*a*) give notice to the applicant of their decision on the application ; or

(*b*) give notice to him that the application has been referred to the Minister in accordance with directions given under Section 22 above ;

The provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

45. **Power to revoke or modify the consent under the Order.** (1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

(2) Subject to the provisions of Section 46 of the Act, an Order under this section shall not take effect unless it is confirmed by the Minister ; and the Minister may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an Order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Minister, before confirming the Order, shall afford to that person and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed :

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

(5) Where a notice has been served in accordance with the provisions of sub-section (3) of this section, no operations or further operations, as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under sub-section (2) of this Section.

46. **Unopposed revocation or modification of consent.** (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 45 of the Act revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Minister for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

(2) The Authority shall advertise the fact that such Order has been made and the advertisement shall specify (*a*) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose and (*b*) the period (not less than 14 days from the expiration of the period referred to in paragraph (*a*) above) at the expiration of which, if no such notice is given to the Minister, such Order may take effect by virtue of this section and without being confirmed by the Minister.

(3) The authority shall also serve notices to the same effect on the persons mentioned in sub-section (1) above.

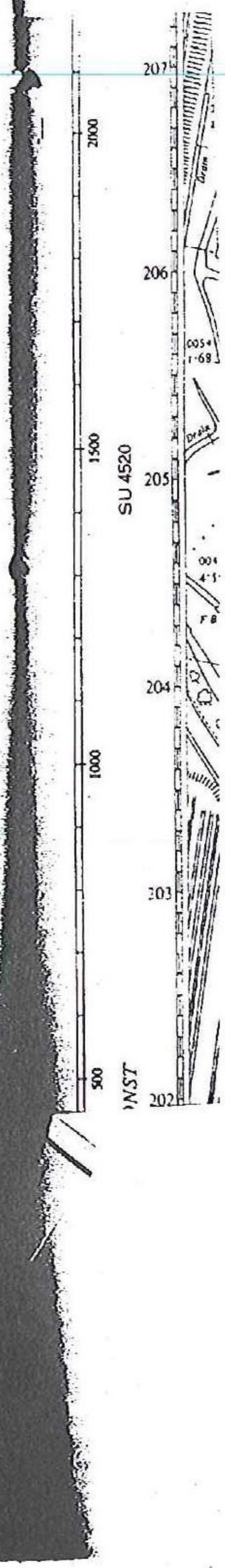
(4) The authority shall send a copy of any advertisement published under sub-section (2) above to the Minister, not more than three days after the publication.

(5) If within the period referred to in sub-section (2) (*a*) above no person claiming to be affected by such Order has given notice to the Minister as aforesaid the Minister has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (2) (*b*) of this section take effect by virtue of this section and without being confirmed by the Minister as required by Section 45(2) of the Act.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Minister under Part III or Part IV or Part V of the Act.

THE COMMON SEAL of
THE EASTLEIGH BOROUGH COUNCIL
was hereunto affixed this 22nd day
of SEPTEMBER of nineteen
hundred and seventy six in the
presence of [redacted]

[redacted]



Dated 22nd SEPTEMBER 1976

EASTLEIGH BOROUGH COUNCIL

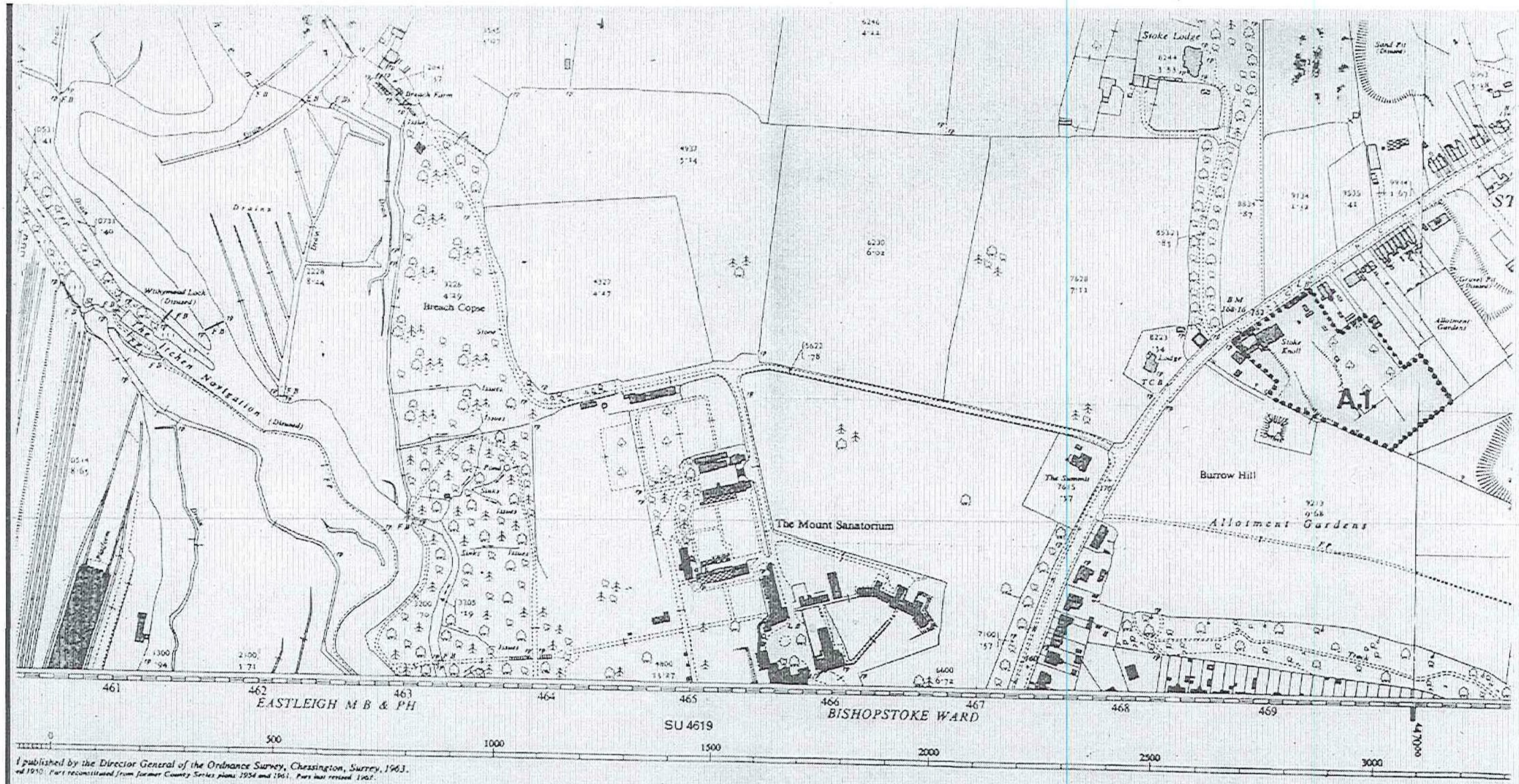
26

TREE PRESERVATION ORDER No. .....

STOKE KNOLL, CHURCH ROAD,

BISHOPSTOKE, EASTLEIGH.

G. W. NUTTALL
(*Director of Administration*)
Town Hall,
Eastleigh.



l published by the Director General of the Ordnance Survey, Chessington, Surrey, 1963.
ed 1950. Part reconstituted from former County Series plans 1954 and 1961. Pars last revised 1961.

EASTLEIGH BOROUGH COUNCIL

:E PRESERVATION ORDER No 26

STOKE COMMON, BISHOPSTOKE

E.S. BENEFIELD A.R.I.C.S.

CHIEF PLANNING OFFICER,

EASTLEIGH HOUSE, MARKET ST.,

EASTLEIGH, HAMPSHIRE.

REFERENCE

For fuller information see Reference Card published separ

NATIONAL GRID REFERENCE

The lines on the plan form part of the National Grid and are spaced at

To give a large scale reference defining the position of a point to the nearest 10 m

EXAMPLE: 1 in Judges Gully Copse

EASTING		NORTH
Take west edge of square in which point lies and read the figures opposite this line on NORTH and SOUTH margins	472	Take south edge of square and read the figures EAST and WEST margins
Estimate tens of metres from the grid line	3	Estimate tens of metres
	4723	

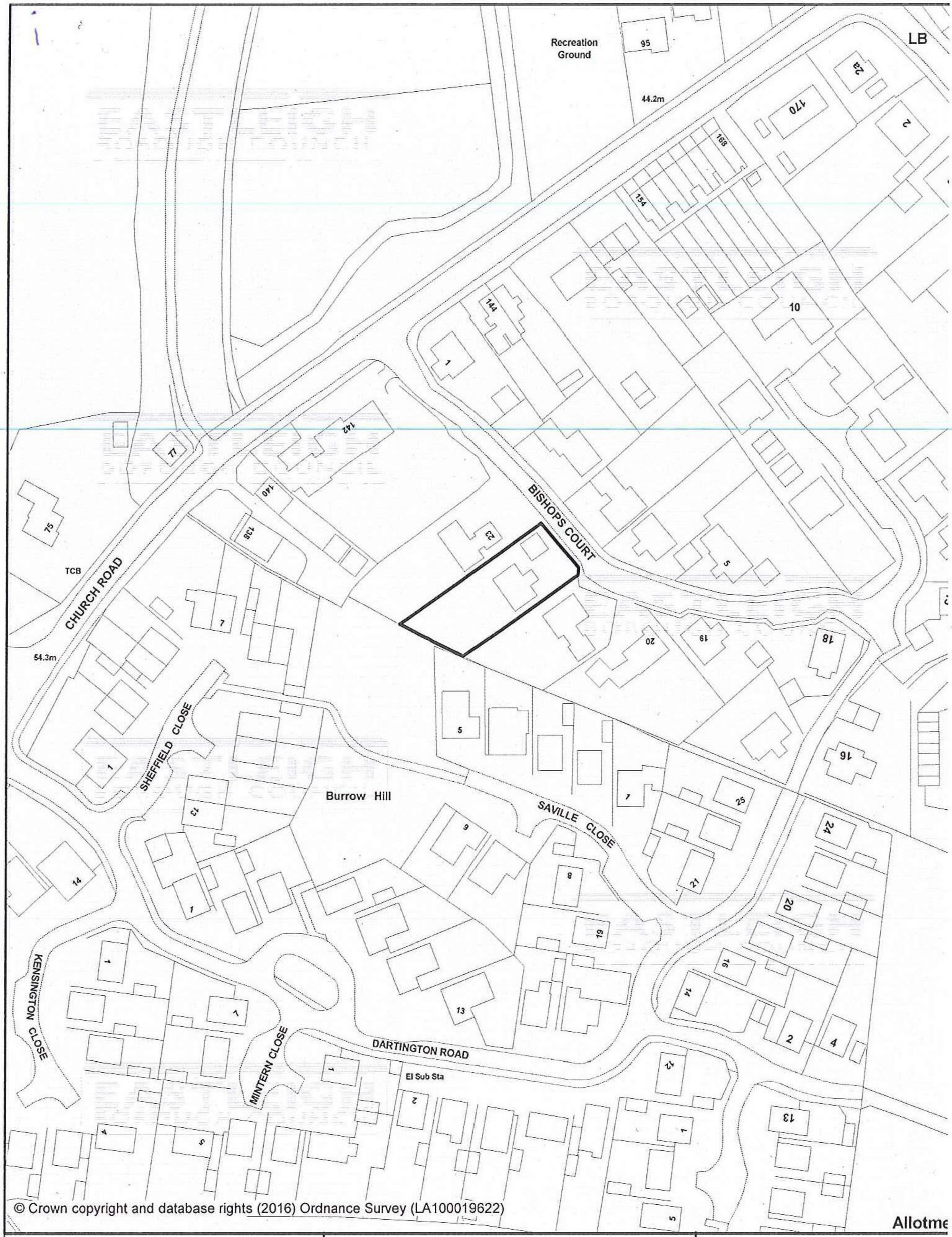
TEN METRE REFERENCE: SU 47232016

For further information see "The Projection for Ordnance Survey Maps and Plans and

The representation on this plan of a road, track or footpath is no evidence of the

1 square inch on this plan represents ·994 of an acre on the ground

The dimensions of metres where shown is approximate.



EASTLEIGH BOROUGH COUNCIL

T/16/78950

Title:

22 Bishops Court,
Eastleigh

SO50 6PE

Scale:
1:1250

Map Ref:
SU4620SE

Date:
19/10/2016

N

Eastleigh Borough Council Preservation Order and Conservation Area Application Assessment Form

Application Number	T/16/78950	
Case Officer	Brett Athow	
Site Visit Date	24/08/2016	
Address	22 Bishops Court Bishopstoke Eastleigh SO50 6PE	
Work notification/ request	Fell 1no. Tulip tree, crown lift 1no. Holly by 20% & crown thin 1no. Laurel by 50%	
Comments/ observations following site visit	Holly and Laurel I do not consider covered under 1976 Order. 1 X Tulip tree - Large back garden specimen, prominent tree with reasonable visibility from the public domain. Tree appears healthy and is a good example. No supporting information has been provided. I cannot support this application, the trees removal would be a significant loss to the amenity of the area.	
Decision	**Refuse**	
Decision comments	Refuse- 1 X Tulip tree - Fell.	
Conditions	Standard time and quality	
Notes to applicant	Suggest getting Arboricultural advice to support any future application. Holly and Laurel I do not consider covered under 1976 order.	
Parish comments	: Bishopstoke Parish Council Planning Committee object to the felling of the Tulip tree because there is no supporting tree works documentation, but raise no objection to the work on the Holly and the Laurel	
Public objection/ support	Support	Objection
	0	0
Objection consideration	N/a	

Rainger, Angela

From: acbishopstoke.pc@btinternet.com
Sent: 16 August 2016 20:37
To: Planning @ Eastleigh Borough Council
Subject: Eastleigh Borough Council Online Planning - Comment

Application Number: T/16/78950
Site Address: 22 Bishops Court Bishopstoke Eastleigh SO50 6PE
Officer: Tree Officer
Name: Bishopstoke Parish Council
Address: Bishopstoke Parish Office Riverside Bishopstoke Eastleigh Hants SO50 6LQ Comment Type: Object
Comment: Bishopstoke Parish Council Planning Committee object to the felling of the Tulip tree because there is no supporting tree works documentation, but raise no objection to the work on the Holly and the Laurel