The Planning Inspectorate
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Date Received 19/09/2011
Appeal Ref APP/TPO/W1715/2035

TREE PRESERVATION ORDER (TPO) APPEAL FORM
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 78

Before completing this form please read "Guide for Appellants (Tree Preservation Orders – consents for works)"

WARNING **Your appeal must reach the Planning Inspectorate within 28 days from receipt of the decision against which you are appealing;**

Appeals received after the deadline will only be accepted in exceptional circumstances.

If you need this document in large print, on audio tape, in another language or in Braille, please call our Diversity Help Line on 0117 372 8939.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

Name Crawford and Company

Address Cartwright House, Tottle Road, Riverside Business Park, Nottingham

Postcode NG2 1RU

I prefer to be contacted by: Via Agent

B. AGENT: If acting on behalf of the appellant, you will be our main contact on all matters relating to this appeal and we will direct all queries and correspondence to you.

Name Paul Sampson

Organisation Marishal Thompson Group

Address Unit 6G Greensfield Court, Alnwick, Northumberland

Postcode NE66 2DE

Daytime Tel

Email
treesurgery@marishalthompson.co.uk

I prefer to be contacted by:
Via Agent Email ☒ Post ☐

C. APPEAL SITE

Address where the appeal tree is (trees are) located:

16 Foord Road Hedge End, Southampton, SO30 0DD

Do you own the site: Yes ☐ No ☒

If no

1) give details of your interest in the site (eg tenant, neighbour):

   We are arboricultural consultants appointed by the building insurers of the above property to undertake vegetation management

2) give the name and address (if different from the above) of the owner and/or occupier of the site. We will need to contact them to make arrangements for our Inspector to gain access to the site:

   All arrangements to be made via Marishal Thompson

D. COUNCIL/DECISION

Council: Eastleigh Borough Council :Council Reference: T/11/69161

Full title of tree preservation order (if known):Unknown

Date of Council's decision (if applicable): 27/07/2011

E. APPEAL

Please tick only the relevant boxes.

I am appealing against:

The Council's refusal of consent	☒
The Council's failure to issue a decision (deemed refusal of consent)	☐
The direction issued by the local authority requiring the replanting of woodland	☐
Condition(s) attached to the consent	☐
An article 5 certificate issued by the Council, eg that the appeal tree has an outstanding or special amenity value, or that the Council's decision is in the interests of good forestry	☐
The Council's refusal to agree a matter that required their agreement under the terms of a condition of consent (TPOs made on or after 2 August 1999)	☐

F. GROUNDS OF APPEAL

If you choose the recommended Fast Track appeal procedure the reasons you set out below will be treated as your statement of case. It is important that you set them out in full because you will not get an opportunity to add to them later.

You should provide at least one reason for each of the boxes you have ticked in section E. Explain why you think the Council's decision is wrong and should be overturned. The decision on your appeal will take into account the contribution that the tree(s) make to the amenity of the area and the reasons set in support of your application/appeal. If you are alleging that a tree is dangerous you may consider enclosing a report by a tree expert in support of your appeal. Please bear in mind that allegations of maladministration or complaints about the time taken by the Council to issue a decision on the application are unlikely to affect the outcome of the appeal, since such matters are not relevant to the merits of the proposal. If appealing against a refusal of consent to fell a tree or against a condition or direction requiring replacement planting you should indicate the species and size of any tree/s you would be prepared to plant if the appeal were to be allowed.

Please continue at section J or on a separate sheet if necessary

This appeal is made in respect of the tree X1 Oak

Our TPO application submission gave the following reasons for the application:

The tree(s) have been implicated as contributory factors in damage to the insured property due to clay shrinkage subsidence;

The following information was supplied with our application:
Arb Report
Technical Report
Crack and Level Monitoring Readings
Matlab Report

Should the tree be allowed to be felled we would be happy to replant with an appropriate replacement species thereby mitigating any potential loss.

G. PROCEDURE

Appeals dealt with by written representations (Fast Track) procedures are usually decided more quickly than those which proceed through a hearing or a more formal local inquiry and because of this we recommend the Fast Track procedure.

However, if you or the Council ask to be heard by the Inspector we will organise a hearing which will take the form of a round table discussion. In very exceptional cases, where complex legal matters are at issue, a substantial number of third parties are involved and/or formal cross examination is warranted, we may decide to hold an inquiry.

Please tick one box only.

I wish my appeal to be decided through the Fast Track procedure ☐

I wish to appear and be heard by an Inspector ☒

H. SUPPORTING DOCUMENTS

In support of your appeal form please send a copy of your application for consent and a copy of the Council's decision (where one has been issued).

Please tick the boxes to show which documents you are enclosing and list any other documents you are submitting in the space below. Don't worry if you cannot send a copy of the tree preservation order – we will ask the Council to send a copy together with the relevant background papers.

I enclose:

1. A copy of my application for consent 1 ☒
2. A copy of the Council's decision (if one was issued) 2 ☒
3. A copy of the tree preservation order 3 ☐

CONFIRMATION

DECLARATION

1. I understand that:

a) the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my appeal.
b) details from this form, including my name, the site description and reasons for making this appeal may appear on the Planning Inspectorate's website/Planning Portal.

By signing this form I am agreeing to the above use of the information I have provided.

2. I have completed all sections of the appeal form and confirm that the details are correct to the best of my knowledge.

3. I have sent a copy of this appeal form and enclosures to the Council.

Signature K.King

Date 17/08/2011

Name (in capitals)
On behalf of (if applicable) Marishal Thompson Group

The gathering and subsequent processing of the personal data you give on this form accords with the terms of the Planning Inspectorate's registration under the Data Protection Act 1998. More about the Planning Inspectorate's data protection policy can be found on our website at "Privacy Statement":
Please send the completed form and supporting documents to:

The Environment Appeals Team
Trees and Hedges
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0117 372 8812
or e-mail it to: Environment.appeals@pins.gsi.gov.uk

1. You must send a copy of this completed form to the Council including copies of any supporting documents you send to us.
2. When we receive your appeal form we will check it against background documents supplied by the council before telling you whether your appeal is valid.
3. At the end of the appeal process we will send you the Inspector's decision, including the reasoning in writing.

J. SUPPLEMENTARY SHEET