Target: 03/06/2011

The Planning Inspectorate

EST 1909

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Date Received

Appeal Ref APP/TPO/W1715/1720

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 MR K WALSH

Address LITTLE OWLS
HOUND RD
NETLEY ABBEY
SOUTHAMPTON

Postcode SO31 5FZ.

Daytime Tel [redacted]

Email [redacted] Fax

I prefer to be contacted by: Email ☑ Post ☑

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 MATTHEW CROSS

Organisation MJC TREE SURGEONS LTD

Address 71 HINTON CRESCENT
PINE WOOD PARK, SOUTHAMPTON

Postcode SO19 6GS

Daytime Tel [redacted]

Email [redacted]

I prefer to be contacted by: Email ☑ Post ☐

C. APPEAL SITE

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

LITTLE OWLS, HOANA RD, NETLEY ABBEY

Do you own the site: Yes ☑ No ☐

If no

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

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:

D. COUNCIL/DECISION

Council: EASTLEIGH BOROUGH COUNCIL

Council Contact Name: GARY CLAYDON-BOND Telephone Number: 02380688022

Full title of tree preservation order (if known): W2 OF TPO NO 81 OF 1951

Date of Council's decision (if applicable): 24 JANUARY 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 ROUNDS 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

THE COUNCIL REFUSED CONSENT FOR THE REDUCTION OF 2 HEAVY LIMBS TO THE NORTH OVER THE NEIGHBOURS PROPERTY. THE REASONS THAT THE WORK WOULD BE DETRIMENT TO THE HEALTH OF THE TREE AND WOULD RESULT IN ADVERSE IMPACT UPON VISUAL AMENITY. ECOLOGY, WILDLIFE, SHELTER AND SCREENING HAVE NO EVIDENCE TO SUPPORT THESE CLAIMS.

THESE LIMBS OVER HANG THE NEIGHBOURING PROPERTY CAUSEING ADVERSE EFFECTS TO THE LIGHT AND DRAINAGE OF THE HOUSE. THE ROOF IS CONSTANTLY COVERED IN MOSS. THE PAVING BELOW THE TREE IS CONSTANTLY COVERED IN ALGAE MAKING IT VERY SLIPPERY AND DANGEROUS TO WALK ON IN WET WEATHER.

THE REDUCTION OF THESE LIMBS WOULD REDUCE THESE PROBLEMS AND WOULD HAVE LITTLE OR NO IMPACT TO THE TREE.

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 ☑

   If you do not have a copy of your application please state the council's application reference number here (it should be stated on your decision if one was made):

   _____

2. A copy of the Council's decision (if one was issued) 2 ☑

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   T/10/64286

2. A copy of the Council's decision (if one was issued) 2 ☑

I 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 [redacted]

Date 23/2/11

Name (in capitals) M. CROSS

On behalf of (if applicable) MR WALSH.

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 8192
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.