



# The Planning Inspectorate

<https://www.gov.uk/government/organisations/planning-inspectorate>

For official use only

Date Received

Appeal Ref

## TREE PRESERVATION ORDER (TPO) APPEAL FORM The Town and Country Planning (Tree Preservation) (England) Regulations 2012 – SI No. 605, Regulation 19

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 0303 444 5000.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

### A. APPELLANT

Name MRS. PAULINE LEGGETT

Address 32. NICHOL ROAD  
CHANDLERS FORD  
HAMPSHIRE

Postcode SO53 5AS

Daytime Tel

Email

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. It will be your responsibility to keep the appellant informed.

Name

Organisation

Address

Postcode

Daytime Tel

Email

I prefer to be contacted by: Email ☐ Post ☐

### C. APPEAL SITE

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

32. NICHOL ROAD, CHANDLERS FORD.  
SO535AS

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

Council Contact Name: ANDY GRAND FIELD Telephone Number: 02380 688000

Full title of tree preservation order (if known):

Date of Council's decision (if applicable): 29. JUNE 2023

### 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)



Condition(s) attached to the consent



The Council's refusal to agree a matter that required their agreement under the terms of a condition of consent.



### F. GROUNDS OF APPEAL

Please provide at least one reason for each of the boxes you have ticked in section E. You must fully why you disagree with the council's decision, where one has been issued. To do this, you go through the reasons for the decision, and explain why you disagree. Only the reasons w council's decision and the reasons put forward by you at application stage should be included appeal form. You should not introduce any new reasons for the appeal.

Your appeal should relate to the same works as those specified in your application council. Exceptionally we may be able to accept your appeal even if you are seeking a variation works originally applied for. We will only be able to do so if the changes do not materially alter the of the application and, if no one who should have been consulted about the proposed works prejudiced by our doing so. For instance, you may have originally applied for consent to cut tree by reducing the percentage of leaf area by 20%, whereas on appeal you may seek a lesser of 10%. However if on appeal you appear to be seeking more works than originally applied recommended that you submit a new application to the council rather than seek to amend your application at appeal stage because the Inspector will not consider any works above those w put forward in your application form.

Similar limitations apply in respect of the reasons you give for seeking consent, especially under track procedure where the council has no opportunity to respond to your grounds of appeal. Inspector will only consider the matters that were before your council when the decision application was made. This means that if the reason you submitted on your application form the tree was causing overshadowing, you should not, on appeal make a claim that tree roots are subsidence. If you want to make a different case for the work applied for you should make application to the council.

We will also look at the original application to check that it clearly specifies the proposed work. If we decide that the works you have applied for are so vague that we cannot be sure how much involved, we may decide that the appeal is invalid and reject it. For example it is not sufficient that you want to remove some of the lower branches, or you wish to reduce the tree by 15% too vague and fails to indicate the extent of the works.

If you choose the recommended Fast Track appeal procedure (see section G) the reasons you 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.

The decision on your appeal will take into account the contribution that the tree(s) make to the and appearance of the area and the reasons set in support of your application/appeal. Please mind that the Planning Inspectorate has no jurisdiction to resolve allegations of maladministration complaints about the time taken by the Council to issue a decision, since such matters are not to the merits of the proposal.

**If you are appealing to fell a tree or against a condition requiring replacement planting please the species and size of any tree(s) you would be prepared to plant if the appeal were to be allowed.**

**Number of trees and Species:**

1 x OAK (T3) SUPRESSED BY T2 + T4 IF PERMISSION IS GRANTED TO DISMANTLE GROUND LEVEL I WOULD PLANT ANOTHER OAK TREE IF REQUESTED IN ANOTHER PART OF THE GARDEN.

F. GROUNDS OF APPEAL (cont)

T1 SCOTS PINE WHICH HANGS OVER MY NEIGHBOUR'S GARDEN BY A CONSIDERABLE AMOUNT. NEIGHBOUR UNABLE TO COME DUE TO AGE. REMOVING LOWEST LIMB AND 1.5 METRES IN HEIGHT WILL HELP WITH THE LIGHT INTO THE GARDEN AND HOUSE.

T2. OAK TREE CROWN REDUCTION OF 1.5M. AGAIN WILL HELP WITH LIGHT AND ALLOW THE TREE TO GAIN BACK SOME STRENGTH AND FLOURISH.

T4. AS ABOVE TO ALLOW MORE LIGHT INTO THE GARDEN AND NEIGHBOURING PROPERTIES.

ALL THE TREES HAVE A LOT OF DEADWOOD WHICH IS FALLING DOWN AND IS BECOMING UNSAFE.

I WOULD WELCOME A VISIT FROM YOU TO VIEW THE TREES CURRENTLY IN THE GARDEN AND NOT AS PREVIOUSLY FROM THE OTHER SIDE OF THE ROAD.

ALL TREES ARE EXCEPTIONALLY LARGE AND ALLOWING THE WORK TO GO AHEAD WILL HAVE NO ADVERSE IMPACT ON THE VISUAL AMENITY, ECOLOGY OR WILDLIFE. I AM INTERESTED AS TO WHY YOU HAVE GIVEN THIS REASON FOR THE WORK TO BE REFUSED.

**G. PROCEDURE - (See Section 9 of the Guide for Appellants before making your choice)**

Appeals dealt with by the Fast Track procedure 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 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. SITE VISIT - Please note: no discussion about the merits of the case will take place during the site visit.**

Are you willing for an Inspector to enter the site and conduct the visit unaccompanied?

Yes

☒

No

☐

If Yes, please give details below of anything the Inspector needs to know with regard to how to access the site:

GATES ARE KEPT LOCKED, PLEASE PHONE TO ARRANGE VISIT.

If No, please outline below why this is not possible, why you need to be there or why you need to be represented during the Inspector's visit:

Are there any Health and Safety concerns that the Inspector will need to be aware of prior to the visit?

Yes

☒

No

☐

If Yes, please detail the concerns below:

POSSIBLE FALLING DEADWOOD.

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. 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):

T/23/95211

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

2 ☒

**1. I understand that:**

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

Date

16/7/23

Name (in capitals) PAULINE LEGGETT

On behalf of (if applicable)

**For more information about how we process your personal information please see "A Guide for Appellants (Tree Preservation Orders- consents for works)".**

**Please send the completed form and supporting documents to:**

Trees and Hedges  
Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Telephone: 0303 444 5000

or e-mail it to: [treeandhedgeappeals@planninginspectorate.gov.uk](mailto:treeandhedgeappeals@planninginspectorate.gov.uk)

**What happens next:**

- 1. You must send a copy of this completed form to the Council including copies of any supporting documents you wish to 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 it.