



## Appeal Decision

Site visit made on 17 January 2025

**by G Harding MSc (Forestry), MicFor, MArborA**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

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**Appeal Ref: APP/TPO/W1715/9778**

**11 Eden Road, West End, Southampton SO18 3QW**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order (TPO).
  - The appeal is made by Andrew Harris against the decision of Eastleigh Borough Council.
  - The application Ref: T/23/95154, dated 3 May 2023, was refused by notice dated 19 June 2023.
  - The work proposed is T1 Beech - Approximately 2m reduction at appropriate points.
  - The Council cites the relevant TPO as the Borough of Eastleigh Tree Preservation Order No. 163 – Land at 39 Swaythling Road and North of Ivy Lane, West End.
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### Decision

1. No further action taken for the reasons set out below.

### Reasons

2. Further to a request for information, the Council has confirmed that it holds no evidence regarding the confirmation of the TPO provided with the appeal documents and referred to in the banner heading above. Accordingly, I have no option other than to conclude that the tree was not protected at the time the application was submitted and when the Council's decision was made and thus there is no right of appeal in respect of it. Accordingly, I can take no further action on the appeal.
3. Should the Council decide to make a new TPO (which would require confirmation within six months under the Regulations, or else it would lapse), a fresh application for work to the tree would be required which would have a right of appeal in the event of an unfavourable decision.

*Glen Harding*

INSPECTOR