



Appeal Decision

Site visit made on 15 October 2025

by **Margaret Wright BSc (Hons) MSc MArborA**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/TPO/W1715/10470

33 Downscroft Gardens, Hedge End, Hampshire SO30 4RS

- 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 works to trees protected by a Tree Preservation Order (TPO).
 - The appeal is made by Andrew Shepherd against the decision of Eastleigh Borough Council.
 - The application Ref: T/24/98604, dated 7 December 2024, was refused in part by notice dated 22 January 2025.
 - The work proposed is described as crown reduction on both oak trees adjacent to our property to reduce debris falling onto the roof and ground, some of which the branches are lengthy and heavy. To take both trees from our boundary and to stop them touching the property.
 - The relevant TPO is the Borough of Eastleigh Tree Preservation Order No 93 Land at Wildern, Hedge End, which was confirmed on 30 July 1985.
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Decision

1. The appeal is allowed and consent is granted to undertake works to oak trees T1 & T2, protected by the Borough of Eastleigh Tree Preservation Order No 93 Land at Wildern, Hedge End, at 33 Downscroft Hedge End, Southampton, in accordance with the terms of the application Ref: T/24/98604, dated 9 December 2024, subject to the following conditions:
 - 1) The work for which consent is hereby granted shall be implemented within two years from the date of this decision.
 - 2) The aforementioned work shall be carried out in accordance with British Standard BS3998:2010 *Tree Work – Recommendations*.
 - 3) The crown reduction work hereby approved shall not reduce any branches of the oaks beyond the mutual boundary line, currently marked by a fence.

Preliminary matters

2. The Council issued a split decision refusing the reduction works to the fence line and granting consent to prune T2 to provide 2 metres clearance from the property. I have considered the original specification to prune both trees back to the fence line.

Main issues

3. The main issues in this case are the effect of the proposed work on the character and appearance of the area and whether sufficient justification has been provided.

Reasons

4. The two mature oaks grow on a strip of land edging a public footpath between Berrywood Gardens, Shafford Meadows and the Hedge End Retail Park. This land was retained as part of the original estate development, and the trees form part of a line of planting that provides visual continuity and ecological linkage between green spaces in the wider neighbourhood.
5. The trees are clearly visible from the footpath and public highway, making a positive contribution to the local landscape, both through their visual presence and by reinforcing the green corridor function of the site. However, modest pruning to the residential side of the crowns would not materially interrupt that continuity. From the public realm, the overall form and stature of the trees would remain intact, and their contribution to the verdant character of the area would be preserved.
6. I acknowledge concerns that the works would be excessive. Nevertheless, the trees appear in good health and should tolerate moderate reduction, recovering and re-establishing balance through future growth. Any visual asymmetry would therefore be temporary and minor with limited harm caused to the character and appearance of the area. However, any works to protected trees needs to have some justification and it is to those reasons, the second main issue, to which I now turn.
7. Several nearby oaks have already been pruned to a comparable degree, and the proposed works would not appear out of keeping with the pattern of management within the wider development. With buildings set so close to mature oak, periodic pruning is an inevitable and foreseeable need that should, presumably, have been anticipated when the development was approved.
8. Although matters of debris, insects and falling branches were not put to the Council within the original application, it is appropriate to consider them as the premises is a registered childcare setting. As such, the safe and practical use of outdoor space for young children carries significant weight and, while the arboricultural justification for the works is limited, the benefits to the day-care environment and the mitigation of foreseeable minor hazards are relevant considerations.
9. The specification previously approved by the Council would provide immediate clearance from the building. However, in this setting, where the premises operate as a childcare facility and regular use of the outdoor space is expected, a slightly greater degree of pruning, as originally applied for, would be reasonable. The additional clearance would reduce the frequency of future applications for similar minor works and would provide a more practical and sustainable level of management without harm to the trees or to the character and appearance of the area.

Conclusion

10. Any application for works to protected trees requires a balancing exercise to be undertaken. The effect of the proposed work on the character and appearance of the area must be weighed against the justification put forward for the works. Given that the harm would be minimal, and that the pruning would help ensure safe use of the outdoor space associated with the childcare setting, I consider the reasons put forward to be sufficient. Accordingly, the appeal is allowed, and consent is granted

subject to the conditions set out above, where conditions are necessary to ensure that the works preserve the trees' form and overall contribution to the character and appearance of the area, in accordance with the aims of the Tree Preservation Order.

Margaret Wright

INSPECTOR