

TREE PRESERVATION ORDERS (TPO) APPEAL FORM
TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78

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

If you need this document in large print, on audio tape, in Braille or in another language, please call 0303 444 5584

WARNING: Your appeal must reach the Planning Inspectorate within 28 days from receipt of the Local Authority's Decision against which you are appealing. Appeals received after the deadline will only be accepted in exceptional circumstances.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

The name of the person making the appeal must appear as on the application form.

Name Mrs Karen Goodall

Organisation Name (if applicable)

B. AGENT (if any) FOR THE APPEAL

Name Stephen Shields

Organisation Name (if applicable) Shields Arboricultural Consultancy

Your Reference Number SSW/10/15

C. LOCAL PLANNING AUTHORITY (LPA)

Name of Local Planning Authority Wrexham County Borough Council

LPA Contact Name Jon Brewin

LPA Contact Telephone Number 01978 298763

Full Name of TPO concerned WCBC No. 250, 2016

Date of LPA Decision (if applicable) 20 December 2016

D. APPEAL SITE ADDRESS

Address

Postcode

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes ☐ No ☒

If so please give reasons:

E. WORKS APPLIED FOR AND DESCRIPTION OF THE LAND

Please provide details of the proposed tree works. These will normally be as you described on the application form. You also need to provide clear details to allow the tree(s) to be identified on the land. If the site is very rural and remote, please provide information to help us identify it, eg. a sketch map showing the site with landmarks and at least two named or numbered local roads.

To fell to ground level one sycamore tree in the front garden of the property.

F. REASONS FOR THE APPEAL

This appeal is against:

*Please tick **ONE** box only* ✓

- a. The refusal to grant consent to the application a ☒
- b. Conditions attached to the consent to which I object b ☐
- c. The certificate issued under article (5) of the order c ☐
- d. The failure of the LPA to issue a decision on the application d ☐
- For Tree Preservation Orders made on or after 2 August 1999*
- e. The LPA's refusal to agree a matter that required their agreement under the terms of a condition for consent e ☐

G. APPEAL STATEMENT

Please provide at least one reason for each of the boxes you have ticked in section G. You must explain fully why you disagree with the council's decision, where one has been issued. To do this, you need to go through the reasons for the decision, and explain why you disagree. Only the reasons within the council's decision and the reasons put forward by you at application stage should be included on your 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 to the Council. Exceptionally we may be able to accept your appeal even if you are seeking a variation to the works originally applied for. We will only be able to do so if the changes do not materially alter the nature of the application and, if no one who should have been consulted about the proposed works would be prejudiced by our doing so. For instance, you may have originally applied for consent to crown thin a tree by reducing the percentage of leaf area by 20%, whereas on appeal you may seek a lesser reduction of 10%. However if on appeal you appear to be seeking more works than originally applied for, it is recommended that you submit a new application to the Council rather than seek to amend your original application at appeal stage because the Inspector will not consider any works above those which were put forward in your application form.

Similar limitations apply in respect of the reasons you give for seeking consent, especially under the fast-track procedure where the council has no opportunity to respond to your grounds of appeal. The Inspector will only consider the matters that were before your council when the decision on your application was made. This means that if the reason you submitted on your application form was that the tree was causing overshadowing, you should not, on appeal make a claim that tree roots are causing subsidence. If you want to make a different case for the work applied for you should make a fresh 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 work is involved, we may decide that the appeal is invalid and reject it. For example it is not sufficient to specify that you want to remove some of the lower branches, or you wish to reduce the tree by 15%. This is too vague and fails to indicate the extent of the works.

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

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

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

In reaching its decision the Planning Authority has not given sufficient weight to the negative impacts to residential amenity arising from the trees as a result of its size and location in close proximity to the property, as detailed in the supporting information submitted with the application. The local authority has over estimated the contribution the tree makes to the amenity of the local area, as detailed in the supporting information submitted with the original application.

Should consent be given to fell the tree the applicant would be willing to plant a replacement tree as agreed with the local planning authority.

Please continue on a separate sheet if required

H. PROCEDURE

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 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 ☐

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:

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:

I. SUPPORTING DOCUMENTS

Unless you have included the information and documents listed below your appeal will be invalid and we will not be able to deal with it. Please tick the boxes to confirm that you have included the relevant information.

- | | | | |
|----|--|---|-------------------------------------|
| 1. | A copy of the application (if any) including any maps/plans | 1 | ☒ |
| 2. | A copy of the LPA's decision and/or direction or notice including maps/plans | 2 | ☒ |
| 3. | A copy of any relevant correspondence with the LPA | 3 | ☐ |

Personal Details

Personal Details on this page will not be publicly available

APPELLANT PERSONAL DETAILS

Address
 Postcode
Daytime Tel
E-mail
I prefer to be contacted by E-mail ☒ Post ☐

AGENT PERSONAL DETAILS (if any)

Address
 Postcode
Daytime Tel
E-mail
I prefer to be contacted by E-mail ☒ Post ☐

PLEASE SIGN BELOW

I have filled in all parts of the form

Please tick ✓

☐

I have sent a copy of this form and any documents to the LPA

☐

I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my reasons for appeal. By submitting this form I am agreeing to the use of the information I provide in this way.

☐

Signature

Name (in capitals)	STEPHEN SHIELDS	Date	16th January 2017
--------------------	-----------------	------	-------------------



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection Policy can be found on our website under "Privacy Statement".

PLEASE NOW SEND

1 COPY to us at:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

or email us at:

wales@pins.gsi.gov.uk

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the supporting documents again, send them any supporting documents not previously sent as part of the application.

1 COPY for you to keep

WHEN WE RECEIVE YOUR APPEAL

When we receive your appeal form, we will:

- 1 Tell you if it is valid and who is dealing with it.
- 2 Tell you and the LPA the procedure for your appeal.
- 3 Tell you the timetable for sending further information or representations.
- 4 Tell you about the arrangements for the site visit or hearing.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them.
They will not be seen by the Inspector but will be sent back to you.

© Crown copyright 2011

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

Any enquiries regarding this document/publication should be sent to us at the address above or e-mail: wales@pins.gsi.gov.uk