

## **Report to Area Plans Sub-Committee East**



**Epping Forest  
District Council**

**Date of meeting: 6 June 2012**

**Subject: CONFIRMATION OF TREE PRESERVATION  
ORDER EPF/01/12**

**Officer contact for further information: Melinda Barham Ext 4120**

**Committee Secretary: Adrian Hendry**

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### **Recommendation:**

**That Tree Preservation Order 01/12 is confirmed without modification**

### **Background**

1. Oak Hill Farm, Coppice Row is within the Green Belt. The site accommodated a farmhouse and associated buildings but is in the process of being redeveloped for a single large house. The field to the east of the property is designated as agricultural land and is within the ownership of Oak Hill Farm.
2. The land falls away steeply to the west (Epping Forest) and less steeply across the site from north to south. The site is currently well screened from Coppice Row.
3. The site is relatively isolated with the nearest dwellings being Birch Hall and West Lodge some 200m to the east.
4. A number of Planning applications have been made for this site. In particular, as part of an application for approval of conditions (EPF/0091/12), landscape drawing number OHF003 REV11b(FS Landscape and Garden Design) was submitted. This drawing clearly describes 'acoustic wooden fencing 2m high erected on steel posts' along the road frontage of the property and field, and 'close boarded panel fencing 2m high erected on steel posts' along the southern boundary of the field.
5. The woodland boundaries along Coppice Row and the track leading to the deer sanctuary (to the south) form significant natural boundaries to this site, and contribute to the character of this transition zone between the Forest and the built environment of the village of Theydon Bois.
6. To date a Planning application has not been submitted for this fencing, and the purpose of this order is to ensure that trees along these boundaries are fully considered prior to an application being submitted.

### **Letters received**

7. Two letters have been received regarding this order - From Theydon Bois Parish Council, in support of the order, and an objection from Tim Moya Associates acting on behalf of the owner.

8. Theydon Bois Parish Council support the Order. They comment that 'we write to whole-heartedly support this order and confirm that we also consider them (the trees) to be of particular public amenity value. The trees are situated in an area immediately adjacent to Epping Forest and at one of the main gateways into the Village, which maintains a particularly rural and scenic aspect – these trees are very important to that vista.'

9. Tim Moya Associates object to the Order for the following reasons;

10. The woodland designation is inappropriate for use in the case of trees that do not form a woodland or are not part of a woodland. Using the Forestry Commission's *National Inventory of Woodlands and Trees – England* woodlands should be in excess of 2 hectares. Therefore, the areas of land are too small to be classified as 'woodlands'.

11. The reason given for making the Order was that the owner intends to construct a substantial fence around the perimeter of his land. This is incorrect and not the owners intention.

12. The trees within W1 consists of young to middle aged trees, these have been planted too close together to allow them to grow to maturity. Additionally, the land in this area was not part of a previously existing woodland.

13. Woodland W2 is a linear strip of neglected hedgerow, trees and bramble. The plan has been incorrectly drawn in that in some parts are dominated by bramble without any trees.

14. Woodland W3 is a neglected field boundary hedgerow, the reason stated for making the order on these trees was given as 'over time it will provide a good natural screen of the property when viewed from the track'. This is inappropriate as, as the new dwelling has been granted permission, it is therefore considered appropriate and in keeping with the character and appearance of the area.

15. Not all the trees included in the order are of good quality and condition, or have future potential to be good quality trees or are of high or potentially high visual amenity value.

16. The client would prefer that the trees are not protected and is willing to provide a landscape strategy for the whole of the field (ie W2 and W3) as part of an application for approval of conditions on application EPF/1841/11 which relates the creation of a pond within the field.

**The Director of Planning and Economic Development comments as follows:**

17. Dealing with the grounds of objection in turn -

(i) Published guidance in relation to the making of Tree Preservation Orders 'Tree Preservation Orders – a guide to the law and good practice 2000' does not provide a definition for 'woodland'. It is therefore up to the LPA to decide on what it considers is a woodland. Looking at the options available a 'woodland' designation is

appropriate as it is the entire range of tree species, ages and sizes which are important in this location. Officers could have made an 'area' Order, however, this would only protect the trees which are present at the time the Order is made, whereas a 'woodland' designation additionally protects any regenerative growth. Historically, these boundaries may have been managed as a hedge, but they have been neglected for many years and the hedges have now developed into trees and form linear woodlands ranging 10-25metres in depth. They are, and look like, in effect narrow linear woodlands. It is therefore considered reasonable to designate them as woodlands.

(ii) The Order was made as drawings submitted for several planning applications in connection with the redevelopment of the site showed 'acoustic wooden fencing 2m high erected on steel posts' along the road frontage of the property and field, and a 'close boarded panel fencing 2m high erected on steel posts' along the southern boundary of the field. At the present time no application has been made specifically for these fences, however, the fact that this detail is still being submitted on plans does suggest that this is the property owners intention to ultimately have some form of robust fencing.

(iii) The woodland along Coppice Row has high public amenity value by virtue of situation directly adjacent to one of the primary roads leading to the Village. The woodland along the track to the south of the site, is well used as it leads to the Deer Sanctuary and to Epping Forest. Whilst this woodland is younger, given time it will develop and continue to provide a natural landscape presence, in doing so it is fitting with the surroundings. The application for the property was considered on the basis that the boundary features would remain as existing, and by doing so, the new dwelling should not be over intrusive in its setting. Clearly, if they were removed the view of the new dwelling would be considerably different to that presented at application stage. The trees are potentially at threat of being damaged should an inappropriate style of fencing be used, or indeed being removed altogether and replaced with a fence. The fact that this fencing is shown on submitted drawings, indicates the owner's ultimate intention to have a 'hard' boundary, rather than the 'soft' existing boundary.

(iv) In terms of the condition of the trees within the woodlands, and their amenity value, as would be expected with any woodland all the trees within it are not necessarily of exceptional quality. It is the amenity value of the woodlands as a whole which is of importance rather than the individual trees within it.

(v) The objection letter states that the applicant would wish to put forward a landscape management strategy for this area. Officers are not rejecting such a proposal, however, if a three or five year management strategy were drawn up, this could be dealt with as an application to carry out works to trees protected by the order. In doing so it would ensure that the Council had input to the retention and enhancement of these important trees. In making this order it does not prevent desirable management subject to consent. EFDC policies support such management as does the Theydon Bois Parish Tree Strategy.

## **Conclusion :**

18. The trees within these woodlands have been protected to safe guard the natural green boundaries of the site which are fundamental to the setting of the field in the transition zone from the Forest to the more urbanised area of the Village.

The use of a 'woodland' designation is the most suitable option available under the legislation. In making this order the Council is acting in accordance with policy LL7 of the Adopted Local Plan and Alterations (adopted 1998 and 2006) in that it is protecting 'trees and woodland of amenity value'.

19. It is therefore recommended that the Order is confirmed without modification.