

DMC Tree Notice: Tree in a Conservation Area
Application No: 23NP0109
Proposed Development Tree Notice - Removal of Sycamore and Ash tree
Applicant Name Mrs S Mullen
Reason for DMC Decision The application relates to a property owned by a member of the Authority.
Recommendation: No objection

1. Proposal and site

1.1 An application for Tree works has been made to the Local Planning Authority. Permission is being sought for the removal of two trees which are located within the Kirknewton Conservation Area. The trees to be removed include a Sycamore and an Ash tree which are located on top of a Ha-Ha close to the property’s boundary. The application also shows the removal of several other self-seeded trees and bushes; however, they do not form part of this application as their diameter is outside the scope of tree notice procedures.



Figure 1: Map of Kirknewton Conservation Area showing application site

1.2 The application site is located within the named settlement of Kirknewton, in close proximity to St Gregory’s Church. Kirknewton House is a Grade II Listed Building, it was built around 1830-40. The listing describes the house as having painted roughcast stone with a Welsh slate roof. The site lies within an area of archaeological sensitivity.

1.3 Kirknewton House is located in a sizeable curtilage and the grounds contain a significant number of trees, many of which are specimen trees.



Figure 2 above: Photo from boundary showing location of self-seeded trees to be removed (to left hand side)



Figure 3 above: photo showing multi-stemmed sycamore

2. Planning Policy & Guidance

2.1 National Policies

- National Planning Policy Framework (NPPF) (December 2023)
- National Planning Practice Guidance

2.2 Local Policies

Northumberland National Park Local Plan

Policy ST1 Sustainable Development

Policy ST2 General Development Principles

Policy DM12 Trees, Woodlands and Forests

Policy DM15 Archaeological Heritage

2.3 Supplementary Planning Guidance

- NNPA Landscape Supplementary Planning Document (Landscape SPD)

3. Relevant Planning History

- 3.1 20NP0094 - Change of use of garage/stable to holiday unit. Demolition of existing store and erection of 2 storey timber framed building for ancillary residential use. Erection of 9m x 3m greenhouse within walled garden -planning permission granted conditionally January 2021
- 3.2 20NP0095LBC - Listed Building Consent - Change of use of garage/stable to holiday unit – Listed Building Consent granted conditionally January 2021

4. Consultee Responses

- 4.1 **Parish Council** – No objection – Kirknewton Parish Council supports this application as it reduces the risk of damage to the wall, blocking of adjacent gullies and consequently flooding risks.
- 4.2 **Head of Conservation** – No objection to the proposal.
- 4.3 **NNPA Historic Environment Officer** – Comments to be reported orally at the meeting
- 4.4 **Public Response** - There is no requirement for a site notice or publicity for a tree notice application. No comments have been received.

5. Assessment

- 5.1 The only material planning consideration for a Tree Notice is the impact of the works upon the Kirknewton Conservation Area. Conservation areas are areas of special architectural or historical interest where it is desirable to preserve or enhance the character and appearance of these areas. As certain landscape features including trees may contribute to the special character of a conservation area it should also be considered if it is worth making a Tree Preservation Order (TPO) for the trees.

- 5.2 Government guidance states that the Local Planning Authority can only deal with this application in one of three ways.
- i) Make a TPO if justified in the interests of amenity. The proposal would then have to be the subject of a formal application under the TPO, or
 - ii) Decide not to make a TPO and allow the six week period to expire, at which point the proposed work may go ahead as long as it is carried out within two years from the date of the notice, or
 - iii) Decide not to make a TPO and inform the applicant that the work can go ahead.
- 5.3 The guidance continues by emphasising that the LPA cannot refuse consent. Nor can they grant consent subject to conditions.
- 5.4 The applicants have explained that the trees are self-seeded and are having a negative impact on the stone wall beneath them which is evident from the photographs provided.



Figure 4: Photo showing the base of the tree and proximity to the Ha-ha

- 5.5 The Head of Conservation has confirmed that the trees are of an age where they are not regarded as being notable in the landscape.
- 5.6 The Head of Conservation has also confirmed that the Ash tree which is to be removed appears to have succumbed to Chalara/Ash dieback disease, a serious fungal disease of the European ash, suggesting it is already dying.
- 5.7 No objections have been raised in relation to the removal of the trees by the Head of Conservation. He has asked that the trees to be removed should be replaced through a condition to achieve biodiversity net gain. The applicants have confirmed that they have already planted new mixed hedging in a similar location.



Figure 5: Photo showing the new hedge planting

- 5.8 Having consideration for the impact of this proposal on the Kirknewton Conservation Area I am satisfied that the removal of these two small trees in an area where there are already a number of other trees would have minimal affect.

Other Issues

- 5.9 The roots of the two trees are currently causing structural damage to the Ha-Ha which is a curtilage listed structure. The Ha-Ha is visible from within the curtilage of Kirknewton House and from the neighbouring property. There is a stream next to the Ha-Ha within the neighbouring property of West Kirknewton Farm. If the Ha-ha collapsed due to damage from the roots of the trees there is concern the stream could cause flooding to Kirknewton House and St Gregory's Church which has happened previously. However, although the impacts on the Ha-Ha have been discussed in this report, this is not a material planning consideration.



Figure 6: Photo showing stream below Ha-ha

- 5.10 As Kirknewton House is within a conservation area and the Ha-ha is within the curtilage of the property, which is a Listed Building, the National Park Historic Environment Officer has been consulted on the proposals. His comments will be reported orally at the meeting.
- 5.11 There is a possibility of birds nesting in the trees during breeding season therefore we will take this opportunity to advise the applicants that in line with forestry standards they should check that there are no birds nesting in the trees if they are to be felled within bird breeding season.

6. Conclusion

- 6.1 The development is located within the Kirknewton Conservation Area. The proposed removal of the two trees would not have a significant effect upon the landscape character of the conservation area or any notable trees therein. The development would result in no harm to other material considerations. As such the making of a TPO would not be justified or necessary in this case.

7. Recommendation

- 7.1 No objections raised.

Informative Notes

1. The felling of these trees should be undertaken in line with Forestry Standard in that checks should be made to ensure that there are no birds nesting in the trees if they are to be felled within bird breeding season.

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