

# FAREHAM

## BOROUGH COUNCIL

### Report to Planning Committee

**Date** 4 June 2014

**Report of:** Director of Planning and Development

**Subject:** REVOCATION OF FAREHAM TREE PRESERVATION ORDER NO  
303 - 96 BURNT HOUSE LANE, STUBBINGTON

#### **SUMMARY**

The report details the history of this tree preservation order made in December 1994 and provides officer comments on revoking the order.

#### **RECOMMENDATION**

That Fareham Tree Preservation Order 303 is revoked.

## **BACKGROUND**

1. In 1994 Fareham Borough Council made Tree Preservation Order [TPO] 303 96 Burnt House Lane, Stubbington, to cover 12no monterey cypress and 1no oak. Since the making of the order the majority of the trees have been removed and those remaining are in a poor condition.
2. Tree officers have reviewed the order and consider the remaining trees are no longer worthy of protection due to their current and deteriorating condition. Therefore officers recommend TPO 303 should be revoked.

## **HISTORY**

3. TPO 303 was made on the 14 December 1994 and no formal objections to the making of the order were received. The order was subsequently confirmed without modification by the Planning Committee on 22 February 1995.
4. Notwithstanding the confirmation of the order, at the time there appears to have been a dispute between the owner of the trees and an adjoining land owner at 94 Burnt House Lane.
5. The matter was taken through the courts by the owners of 94 Burnt House Lane and on the 19 August 1995 the court ordered that six of the twelve cypress trees shall be removed and the remaining trees maintained by the owner. The six trees were subsequently removed and several replacements have been planted since.
6. Currently four cypress trees remain in situ at the southern end of the original group adjacent to the dwelling at 96 Burnt House Lane (see Appendix A). The condition of the remaining trees has deteriorated considerably over the intervening years and most recently sustained significant damage during the storms of winter 2013/14 (see Appendix B).

## **COMMENT**

7. Following an assessment of the remaining trees in terms of their condition and contribution to local public amenity, tree officers are of the opinion that they are in poor overall condition with little prospect of retaining them in a safe and healthy condition. Several replacement conifers have been planted though they offer little overall value in the existing landscape context and given their position adjacent to the dwelling at 94 Burnt House Lane, are likely to require frequent management in the future to control their size.

## **RISK ASSESSMENT**

8. The Council will not be exposed to any significant risk associated by revoking TPO 303.

## **CONCLUSION**

9. The remaining trees are no longer worthy of protection and their deteriorating condition and associated risks outweigh the limited benefit they provide. The removal of the cypress trees, should it take place, will not adversely impact on local public amenity or be detrimental to the local tree cover and therefore not contrary to the objectives of the Councils Tree Strategy.

**Background Papers:** TPO 281 & 303.

**Photographs:** **Appendix A**– TPO Map.  
**Appendix B** - Photograph

**Reference Papers:** Tree Preservation Orders – A Guide to the Law and Good Practice, Fareham Borough Council Tree Strategy 2012 – 2017.

**Enquiries:**

For further information on this report please contact Paul Johnston, Principal Tree Officer (Ext 4451).



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| TPO 303<br>96 Burnt House Lane<br>Stubbington | <b>FAREHAM</b><br>BOROUGH COUNCIL | Date: 2014   | Ref: |  |
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Appendix B – remaining cypress trees.

