

**Legal Services**

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Bradford  
West Yorkshire BD1 1HY  
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Head of Legal Services:  
Susan Betteridge, Solicitor

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INVESTOR IN PEOPLE



PLANNING DIVISION  
RECEIVED  
24 JAN 2003

From: Stephen Nelson Legal Officer Development & Regulatory Law Team	To: See Circulation Below
Ref: LEG/PL/SPN/ST/26483 Date: 22 January 2003	Ref: 0892

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 201  
LAND AT YEWBANK TERRACE/CHAPEL LANE ILKLEY - TREE PRESERVATION ORDER**

The above Tree Preservation Order was confirmed on 7<sup>th</sup> January 2003. Please find attached a copy for your records.

S P Nelson

Enc

Arboricultural Technician  
Development Services Tree Section  
Transportation, Design and Planning  
3<sup>rd</sup> Floor, Jacobs Well

Land Charges Manager  
Local Land Charges Unit Team  
4<sup>th</sup> Floor, City Hall

Veronica Clair (Area Clerk)  
Transportation, Design and Planning  
Ilkley Town Hall

(26522.M2)  
F:\DEV\TEMPLATE\STDS\TP11.DOT(Revised June 1999)

**TOWN AND COUNTRY PLANNING ACT 1990**

**YEWBANK TERRACE/CHAPEL LANE ILKLEY**

**TREE PRESERVATION ORDER 2002**

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**

The City of Bradford Metropolitan District Council, in exercise of the powers conferred on them by Sections 201 of the Town and Country Planning Act 1990 hereby make the following Order:-

**Citation**

1. This Order may be cited as "The Yewbank Terrace/Chapel Lane, Ilkley Tree Preservation Order 2002".

**Interpretation**

2. In this Order "the authority" means the City of Bradford Metropolitan District Council and unless the context otherwise requires, any reference in this Order to a numbered Section is a reference to the Section so numbered in the Town and Country Planning Act 1990.

**Application of Section 201**

3. The authority hereby direct that Section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 12 November 2002.

**Prohibited acts in relation to trees**

4. Without prejudice to Sub-Sections (6) and (7) of Section 198 (power to make tree preservation orders) and Sub-Section (3) of Section 200 (orders affecting land where Forestry Commissioners interested)], and Subject to article 5, no person shall:-
  - (a) cut down top, lop, uproot, wilfully damage or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given Subject to conditions, in accordance with those conditions.



## Exemptions

5. (1) Nothing in article 4 shall prevent:-

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary:-
  - (i) in the interests of the safe operation of the undertaking;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
  - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or

construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or

- (g) without prejudice to Section 198 (6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1) "statutory undertaker" means any of the following:-

- (a) a person Authorised by the an enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power;
- (b) a relevant airport operator (within the meaning of Part V of the Airports Act 1986);
- (c) the holder of a licence under Section 6 of the Electricity Act 1989;
- (d) a public gas transporter;
- (e) the holder of a licence under Section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied;
- (f) a water or sewerage undertaker;
- (g) the Civil Aviation Authority or a body acting on behalf of that Authority;
- (h) the Post Office.

#### **Applications for consent under the Order**

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall:-

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and



- (c) contain a statement of the applicant's reasons for making the application.

### **Application of provisions of the Town and Country Planning Act 1990**

7. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

### **Directions as to replanting**

8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to:-
- (a) species;
  - (b) number of trees per hectare;
  - (c) the preparation of the relevant land prior to the replanting; and
  - (d) the erection of fencing necessary for the protection of the newly planted trees.

### **Compensation**

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:-
- (a) the refusal of any consent required under this Order; or

- (b) the grant of any such consent Subject to condition he shall, Subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this Article:-
- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the Subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person:-
- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reason Submitted in accordance with article 6(c) and any documents or other evidence Submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted Subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to advert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent Subject to conditions.
- (5) Sub-Sections (3) to (5) of Section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the



assessment of compensation where a felling licence is refused under Section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were Substituted a reference to a consent required under this Order and for the reference to the Commissioners there were Substituted a reference to the authority.

(6) In this article:-

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

"owner" has the meaning given to it by Section 34 of the Forestry Act 1967.

**THE COMMON SEAL of CITY  
OF BRADFORD METROPOLITAN  
DISTRICT COUNCIL** was hereunto  
affixed in the presence of:-



Authorised by the  
Legal and Democratic Services Director

84777

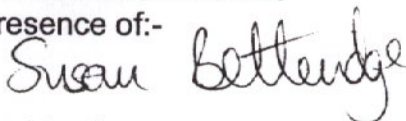
#### CONFIRMATION OF ORDER

This Order was confirmed by the City of Bradford Metropolitan District Council without modification on the 7<sup>th</sup> day of January 2003.

OR

~~This Order was confirmed by the City of Bradford Metropolitan District Council, Subject to the modifications indicated by \_\_\_\_\_, on the \_\_\_\_\_ day of~~

**THE COMMON SEAL of CITY  
OF BRADFORD METROPOLITAN  
DISTRICT COUNCIL** was hereunto  
affixed in the presence of:-



Authorised by the  
Legal and Democratic Services Director

84973

**DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by City of Bradford Metropolitan District Council on the            of

**THE COMMON SEAL of CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL** was hereunto affixed in the presence of:-

Authorised by the  
Legal and Democratic Services Director

**VARIATION OF ORDER**

This Order was varied by the City of Bradford Metropolitan District Council on the  
day of                            under the reference number

**THE COMMON SEAL of CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL** was hereunto affixed in the presence of:-

Authorised by the  
Legal and Democratic Services Director

**REVOCAION OF ORDER**

This Order was revoked by the City of Bradford Metropolitan District Council on the  
day of                            under the reference number

**THE COMMON SEAL of CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL** was hereunto affixed in the presence of:-

Authorised by the  
Legal and Democratic Services Director





**Tree Preservation Order No. 0892**  
**Yewbank Terrace / Chapel Lane**  
**Ilkley**

**OS REF :**  
**1147 NW**



*Alan Mainwaring*

**SCALE 1:1250**

Reproduced from the  
 Ordnance Survey map with  
 the sanction of  
 HM Stationary Office

**DEPARTMENT OF TRANSPORTATION,**  
**DESIGN AND PLANNING**



**CROWN COPYRIGHT**  
**RESERVED**  
**LA076120**

Jacobs Well Bradford BD1 5RW

Head of Service  
 Alan Mainwaring MSc CEng MICE

**NOVEMBER 2002**

**SCHEDULE 1****SPECIFICATION OF TREES****Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
None	None	None

**Trees specified by reference to an area**  
(within a dotted black line on the map)

Reference on map	Description	Situation
None	None	None

**Group of trees**  
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
None	None	None

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
W1	Both deciduous and coniferous species	411,285 447, 776



**SCHEDULE 2****PART 1**

Provisions of the Town and Country Planning Act 1990 applied  
with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In Sub-Section (1):-</p> <p>(i) omit:- “, in such manner as may be prescribed by a development order,”, “such” in the second place where it appears, and “as may be so prescribed”; and</p> <p>(ii) Substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In Sub-Section (2):-</p> <p>(i) after “contain” insert “, as regards each such order”, and</p> <p>(ii) for paragraphs (a) and (b) Substitute:- “(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and (b) a statement as to the Subject matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it”.</p> <p>(c) Omit Sub-Sections (3) and (4) (as required by Section 198(4)).</p>
Section 70 (determination of applications:	(a) In Sub-Section (1):-

<p>general considerations)</p>	<p>(i) Substitute:-          "Subject to Sub-Sections (1A) and (1B), where" for "Where";          "the authority" for "a local planning authority",          "consent under a tree preservation order" for "planning permission" where those words first appear; and          "consent under the order" for "planning permission" in both of the other places where those words appear;</p> <p>(ii) after "think fit", insert:-            "(including conditions limiting the duration of the consent or requiring the replacement of trees)", and</p> <p>(iii) omit "Subject to Sections 91 and 92,"</p> <p>(b) After Sub-Section (1) insert:-            "(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.            (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)".</p> <p>(c) Omit Sub-Sections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In Sub-Section (1) Substitute:-            (i) "Any" for the words from "Without" to "any",            (iv) "consent under a tree preservation order" for "planning permission" to develop</p>



	<p>land”,</p> <p>(v) “the consent” for “the permission”; and</p> <p>(vi) “the land to which the order relates” for “the land”.</p> <p>(b) Omit Sub-Sections (2) and (3).</p>
<p>Section 78 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) In Sub-Section (1) Substitute:-</p> <p>(i) “the authority” for “a local planning authority”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear;</p> <p>(iii) “consent under such an order” for “planning permission” in the second place where those words appear;</p> <p>(iv) for paragraph (c) Substitute:-</p> <p>“(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the authority was received by the authority”.</p> <p>(b) Omit Sub-Section (2).</p> <p>(c) In Sub-Section (3) for “served within such time and in such manner as may be prescribed by a development order.” Substitute:-</p> <p>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:-</p>

	<p>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of Sub-Section (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that Sub-Section, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted Subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant."</p> <p>(d) For Sub-Section (4), Substitute:-  “(4) The appellant shall serve on the authority a copy of the notice mentioned in Sub-Section (3).”.</p> <p>(e) For Sub-Section (5), Substitute:-  “(5) For the purpose of the application of Section 79(1), in relation to an appeal made under Sub-Section (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals) (a)	<p>(a) In Sub-Sections (1) and (2), Substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit Sub-Section (3).</p> <p>(c) In Sub-Section (4), Substitute:-</p> <p>(i) “Section 70(1), (1A) and (1B)” for “Sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission”; and</p>



	<p>(iii) "the authority." for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of Section 65 or 71."</p> <p>(d) Omit Sub-Sections (6) and (6A).</p> <p>(e) In Sub-Section (7), omit the words after "Section 78".</p>
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## PART II

### PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

#### **Section 69**

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.
- (2) The register shall contain, as regards each such order:-
  - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
  - (b) a statement as to the Subject matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

- .....
- (5) Every register kept under this Section shall be available for inspection by the public at all reasonable hours.

#### **Section 70**

- (1) Subject to Sub-Sections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order:-

- (a) they may grant consent under the order, either unconditionally or Subject to such conditions as they think fit (including conditions limiting the duration of the consent of requiring the replacement of trees); or
  - (b) they may refuse consent under the order.
- (1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

**Section 75**

Any grant of consent under a tree preservation order shall (except in so as consent otherwise provides) ensure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

.....

**Section 78**

- (1) Where the authority:-
- (a) refuse an application for consent under a tree preservation order or grant it Subject to conditions;
  - (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it Subject to conditions;
  - (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
  - (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.



- .....
- (3) Any appeal under this Section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:-
- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of Sub-Section (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
  - (b) in respect of such a failure as is mentioned in paragraph (d) of that Sub-Section, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted Subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.
- (4) The appellant shall serve on the authority a copy of the notice mentioned in Sub-Section (3).
- (5) For the purposes of the application of Section 79(1), in relation to an appeal made under Sub-Section (1)(d), it shall be assumed that the authority decided to refuse the application in question.

### **Section 79**

- (1) On an appeal under Section 78 the Secretary of State may:-
- (a) allow or dismiss the appeal, or
  - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),
- and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining an appeal under Section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- .....

(4) Subject to Sub-Section (2), the provisions of Section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under Section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under Section 78.



Yewbank Cottage, 11 Chapel Lane, Ilkley, West Yorkshire, LS29 9AB

Bradmet  
file  
4397

Government Office for Yorkshire & the Humber  
Local Planning Team  
People & Communities group  
POB 213 City House  
Leeds LS1 4US

no response.  
0892

Wednesday, 15 January 2003

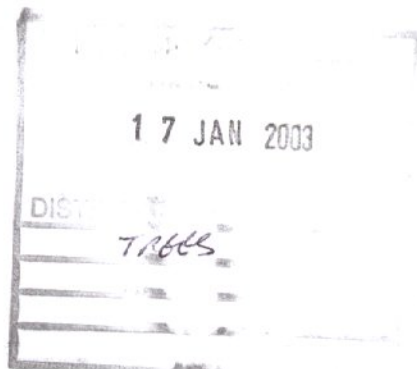
Dear Sirs,

Thank you for your letter dated 13<sup>th</sup> January 2003. I enclose the appeals form duly completed and I accept the written procedure method of dealing with it. I have copied this letter and the form to Bradmet. and now await your further news.

Yours faithfully,

David E Higgins

Copy to Bradmet.



**TREE PRESERVATION ORDER APPEAL**

**1. APPELLANT'S DETAILS** (please use CAPITAL LETTERS)

Name and address: **D. E. HIGGINS 11 CHAPEL LANE ILKLEY**

Postcode: **LS29 9AB** Daytime telephone number: **01943 607525**

Name and address of appellant's agent (if any):

Postcode: Daytime telephone number:

**2. THE TREE PRESERVATION ORDER**

Name of the local authority: **BRADFORD METROPOLITAN DISTRICT COUNCIL**

Full title of tree preservation order (if known):

**3. APPEAL SITE**

Address of the appeal site: **CHAPEL LANE  
ILKLEY**

Does the appellant own the site?: Yes  No

If No: a) what is the appellant's interest in the site (e.g. tenant, neighbour)? **NEIGHBOUR**

b) give the name (and address if different from above) of the owner of the site?  
**BRADFORD MET, JACOBS WELL BRADFORD  
BD1 5RW**

**4. APPEAL** (at least one box must be marked)

This appeal is being made against:

- the local authority's refusal of consent*
- a condition attached to the local authority's consent*
- the local authority's refusal to approve something (e.g. the location of a replacement tree) that had to be approved by them under the terms of a condition attached to the consent*
- the local authority's failure to decide the application within 8 weeks*
- the certificate issued by the local authority that the trees have an outstanding or special amenity value, or that their decision is in the interests of good forestry*
- the direction issued by the local authority requiring the replanting of woodland*



**5. GROUNDS OF APPEAL**

Please state your grounds of appeal, including any information which you think relevant. You should provide at least one reason for each of the boxes you have marked in section 4.

DANGER TO THE PUBLIC & TO NEIGHBOURING PROPERTY.  
THE TREE (& other trees) HAS CAUSED MOVEMENT DAMAGE TO THE ADJACENT WALL. BRADMET AGREES THERE IS SOME MOVEMENT IN THE WALL. AS A RESULT OF MY ORIGINAL APPLICATION BRADMET HAVE FELLED SOME NEARBY TREES BUT NOT THE ONE IN QUESTION ALTHOUGH I CONSIDER THIS ONE TO BE EQUALLY & POSSIBLY MORE DANGEROUS THAN THOSE FELLED.

[continue on a separate sheet if necessary]

**6. SUPPORTING INFORMATION**

A copy of the following documents is enclosed:

	Yes	No
(1) the application for consent	[ ]	[ ]
(2) the local authority's decision (if any)	[ ✓ ]	[ ]

Don't worry if you can't send these - please just give us the date the application was made and the date you received the council's decision.

**7. PROCEDURE**

Do you agree to have the appeal dealt with on the basis of written statements submitted by you and the local authority followed by an inspection of the site by an officer or inspector of the Department?

Yes	No
[ ✓ ]	[ ]

If No, a public local inquiry or less formal hearing will be arranged where you will have an opportunity to appear before and be heard by an inspector of the Department. Please indicate below which procedure you would prefer:

- [ ] hearing
- [ ] local inquiry

**8. CHECKING AND SENDING THE APPEAL**

Please make sure you have completed the whole form

Signed: *Jethro*

Date: 16/1/03

Development Services Trees Section 3<sup>rd</sup> Floor Jacobs Well Bradford BD1 5RW

D Higgins  
11 Chapel Lane  
Ilkley  
LS29 9AB

Contact: Mr E Waterworth  
Telephone: 01274 434297  
Fax: 01274 431302  
Minicom Phone: 01274 392613  
E-Mail: [eric.waterworth@bradford.gov.uk](mailto:eric.waterworth@bradford.gov.uk)  
My Ref: TPD/EW/MA/TPO0892/T3208  
Your Ref:

20<sup>th</sup> December 2002

Dear Mr Higgins

**TREE PRESERVATION ORDER – 11 Chapel Lane Ilkley**

Thank you for your application to carry out tree work at the above address. Consent is granted to carry out work as below.

**T1 Horse Chestnut – Remove deadwood and crown clean. Crown thin evenly by a maximum of 15%.**

It is considered that 25% crown thinning is excessive and would be detrimental to the health and visual amenity value of the tree.

This work should be carried out by a competent tree surgeon and must be in accordance with BS3998 1989 (British Standard for Tree Work). Seven days notice of commencing should be given to enable the work to be discussed with your contractor beforehand.

Crown thinning must involve the removal of secondary lateral growth only and no wound should exceed 50 millimetres in diameter and it is essential in carrying out this work that the height, shape and character of the tree be retained.

Please sign and return the enclosed FREEPOST card when the work is complete, to enable an inspection to be made. This consent for tree work from the Local Planning Authority is valid until 24<sup>th</sup> December 2004.

If you are aggrieved by the Council's decision you may appeal to the Secretary of State for the Environment within twenty-eight days of receipt of this letter. Correspondence should be sent to:






**Government Office for Yorkshire and The Humber  
Local Planning Team  
People & Communities Group  
PO Box 213  
City House  
New Station Street  
LEEDS LS1 4US**

Should you have any query regarding this letter please contact Eric Waterworth on the above telephone number.

Yours sincerely

Keith Stones  
Group Planning Manager  
Enc.

# TREE PRESERVATION ORDER

 <p>City of <b>BRADFORD</b> METROPOLITAN DISTRICT COUNCIL</p>	Transportation, Design and Planning Service Development Services Trees Section Jacobs Well, Bradford BD1 5RW Tel: 01274 754297	<b>FOR OFFICE USE ONLY</b>	
		App No	T3208
		O.S. Ref	
		T.P.O. No	6892

## APPLICATION FOR CONSENT TO CARRY OUT WORKS TO TREES COVERED BY A TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

19 DEC 2002

PLEASE COMPLETE ALL SECTIONS OF THE FORM AND RETURN TO THE ABOVE ADDRESS. FAILURE TO PROVIDE ADEQUATE INFORMATION MAY DELAY YOUR APPLICATION. THE TREES SECTION WILL CONTACT YOU IF FURTHER ARBORICULTURAL DETAILS ARE REQUIRED. YOU ARE ADVISED TO READ THE HELP SHEET PRIOR TO COMPLETING THE FORM. ANY PERSON UNDERTAKING WORKS TO PROTECTED TREES WITHOUT THE WRITTEN CONSENT FROM THE LOCAL PLANNING AUTHORITY IS LIABLE TO PROSECUTION.

### 1 APPLICANT

Name David Higgins  
 Address 11 Chapel Lane  
Osley  
West Yorkshire  
 Postcode LS29 9AB  
 Tel (home) 01943 607525 (work)

### AGENT/CONTRACTOR (if applicable)

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Postcode \_\_\_\_\_  
 Tel (home) \_\_\_\_\_ (work)

### 2 OWNERSHIP

Is the applicant the legal owner of the trees which are the subject of this application? Yes  No

If no, please provide the name and address of the legal owner below (if known).

believed to be Bradmet  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Postcode \_\_\_\_\_ Tel (home) \_\_\_\_\_ (work)

Has the owner agreed to the proposed work? Please see your letter ref TPD/EW/MA/TPO 892/T3180 Yes  No

Owners signature (if obtainable) \_\_\_\_\_

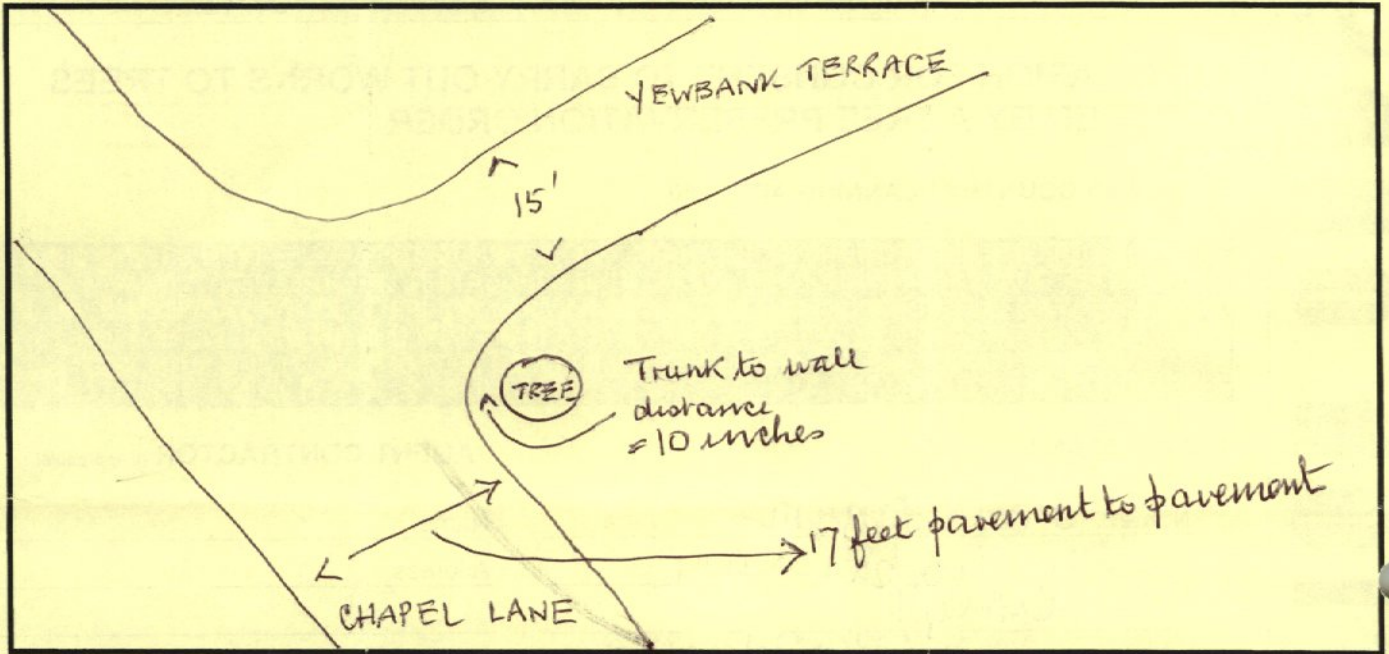
### 3

Signed (applicant or contractor)	<u>D Higgins</u>	Date	<u>12/12/02</u>
Print name	<u>D E HIGGINS</u>		



#### 4 PLAN OF TREES

Please provide a clearly dimensioned plan (birds eye view) showing the precise position of the tree/s in relation to nearby property/roads/boundaries (Dimensions should be clearly shown in metric or imperial measurements). The tree/s should be numbered and relate to section 5 Proposed Works.



#### 5 PROPOSED WORK (Please continue on a separate sheet if necessary)

Tree No	Species (if known)	Proposed Work	Reason (eg light, nuisance)	Office Use
T1.	HORSE CHESTNUT	CROWN THINNING BY 25% TO INCREASE LIGHT & REDUCE WIND RESISTANCE	LIGHT PLUS REDUCTION OF OVERALL WEIGHT TO REDUCE RISK OF MOVEMENT & COLLAPSE OF WALL. PHOTOGRAPHS ALREADY IN YOUR FILE.	CT. 15% DANCE.

#### 6 REPLACEMENT PLANTING

IF TREE REMOVAL IS PROPOSED, THE POSITION OF REPLACEMENT TREE/S MUST BE INDICATED ON THE DIAGRAM ABOVE. YOUR APPLICATION WILL NOT BE VALIDATED WITHOUT THIS INFORMATION. PLEASE NOTE IF YOU ARE REQUIRED TO PLANT NEW TREES AS A CONDITION OF A CONSENT AND FAIL TO DO SO, THE LOCAL PLANNING AUTHORITY MAY ISSUE A PLANTING NOTICE UNDER SECTION 207 OF THE TOWN AND COUNTRY PLANNING ACT 1990.





**Development Services Trees Section 3<sup>rd</sup> Floor Jacobs Well Bradford BD1 5RW**

Mr D E Higgins  
11 Chapel Lane  
Ilkley  
LS29 9AB

**Contact: Mr E Waterworth**  
**Telephone: 01274 434297**  
**Fax: 01274 431302**  
**Minicom Phone: 01274 392613**  
**E-Mail: [eric.waterworth@bradford.gov.uk](mailto:eric.waterworth@bradford.gov.uk)**  
**My Ref: TPD/EW/MA/TPO0892**  
**Your Ref:**

COPY

22<sup>nd</sup> November 2002

Dear Mr Higgins

**TREE PRESERVATION ORDER – Chapel Lane / Yewbank Terrace**

With regard to your recent notice of intent to remove a Horse Chestnut tree on the land at the corner of Chapel Lane and Yewbank Terrace. Since you submitted your notice of intent the whole wooded area in which this tree stands has become the subject of a Tree Preservation Order. Thus if you wish to pursue the felling of this tree you will need to make a further application under the Tree Preservation Order legislation.

Please find enclosed an application form for your use.

Should you have any query regarding this letter please contact me on the above telephone number.

Yours sincerely

Michael Anders  
Arboricultural Technician





**Trees Section**

3<sup>rd</sup> Floor  
Jacobs Well  
BRADFORD  
West Yorkshire BD1 5RW

Mr D Higgins  
Yewbank Cottage  
11 Chapel Lane  
ILKLEY  
West Yorkshire  
LS29 9AB

PLANNING DIVISION
RECEIVED
31 OCT 2002
DISTRIBUTION

Tel No : 01274 434297  
Fax No : 01274 431302  
Minicom : 01274 392613  
Contact : Eric Waterworth  
E-Mail : eric.waterworth@bradford.gov.uk  
Web Site : www.bradford.gov.uk

My Ref : TDP/EW/MA/CA11/3735  
Your Ref :

24 October 2002

Dear Mr Higgins

**HORSE CHESTNUT TREE  
CHAPEL LANE ILKLEY**

Further to the above and your recent letter regarding the Horse Chestnut tree. The tree lies within the Conservation Area and as such if the Council wished to remove the tree, notice of intent would need to be given to the local planning authority.

The Planning Trees Team would not get involved until such a notice of intent was received. This notice does not necessarily have to be given by the owner. You could if you so wished make notification yourself. A copy of the Customer Help Sheet and Notification Form are attached.

Should you have any queries please do not hesitate to contact me on 01274-434297.

Yours sincerely

Eric Waterworth  
Arboriculturist

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*Following our phone  
conversation this afternoon  
I enclose the application*