

Objection Tree Preservation Order

Cheshire East Borough Council (Chelford – Land South of Pepper Street)
Tree Preservation Order 2025

Land at
Wood End
Pepper Street
Snelson
Cheshire

Ref:
PSS/TPO/08/25

Date:
24th August 2025

Commissioned by:
Mr A. Ellis
on behalf of
Mr P. Henty

Prepared by
S. Shields

Objection to Tree Preservation Order

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Introduction

- 1.1 Shields Arboricultural Consultancy received instructions from Mr A. Ellis of A.E Planning Ltd on behalf of Mr P. Henty of Henty Capital Ltd to review a Tree Preservation Order ref: Cheshire East Borough Council (Chelford – Land South of Pepper Street) Tree Preservation Order 2025 (The Order), which has been imposed on an area of trees on or adjacent to the east boundary of Wood End, Pepper Street, Snelson, a detached residential dwelling, and prepare a formal objection to The Order on grounds that it is unnecessary and disproportionate.
- 1.2 This objection is submitted to The Order which uses an Area designation thereby including all trees regardless of size, condition or amenity value, growing within the area shown on the map at the time the order was made on the basis that the blanket designation is disproportionate, unnecessary, and exceeds what is required to safeguard the amenity and character of the area. It is further submitted that the order has been made following misleading representations by third parties with a private grievance, rather than as a balanced or evidence-based exercise of the Council's statutory powers.

Background and Context

- 2.1 The land in question is known locally as *Snelson Chapel Car Park* together with an adjoining acre of land. It was used as a car park for over fifty years but abandoned by the Methodist Church approximately three years ago, before being purchased by the current owners around 18 months ago. At the time of purchase, the site was dominated at the roadside verge by a large, self-seeded beech tree, the roots of which had deformed both the roadside and the car park. Following confirmation from the Council that no TPO was in place on this tree, it was removed and replaced with traditional iron farm fencing and a new beech hedge. Shortly afterwards it is advised that disputes arose with the adjoining neighbours. The owners report that during this period:
 - The neighbours erected a fence some two metres outside the correct boundary line, effectively extending their garden into the land. Surveyors subsequently reinstated the proper boundary line with marker posts.
 - The neighbours affixed forged "TPO notices" to trees on the land, despite no such designation existing at the time.
 - The same neighbours had previously requested that a branch from a boundary oak tree be removed as it overhung their shed. This work was carried out by the owners at their own expense. Ironically, the same tree later became the subject of objection.
- 2.2 Most recently, during an inspection of the group of trees on the boundary of Wood End, tree surgeons identified a large oak branch as hazardous due to rot and a significant split. On safety and insurance grounds, the owners instructed its removal, demonstrating that the trees are under good arboricultural management. While this work was

being undertaken, the neighbour intervened, insisting that a TPO applied, despite no valid order existing. The intervention caused delays until the works were safely completed.

- 2.3 Against this backdrop, the Council has now imposed an area designation TPO (The Order) covering the group of tree along the boundary of Wood End, apparently influenced by these neighbour complaints and the suggestion that the granting of permission in principle for development on the adjacent car park justified additional protection for the trees albeit that the land subject to the planning permission in principle approval is to the north of the area of trees affected by The Order and would not affect or be affected by the majority of trees within the area designation.
- 2.4 The wider area is already characterised by high levels of tree cover, including individual specimens, established groups, and areas of woodland set within a pastoral landscape.



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Legal and Policy Framework: Proportionality and Necessity

Statutory and National Guidance

- 3.1 Tree Preservation Orders should only be made where it is expedient in the interests of amenity. Government guidance emphasises that designations must be proportionate and targeted, discouraging blanket orders. Tools such as TEMPO or in house amenity assessment systems are recommended to ensure that only trees making a significant contribution to public amenity are protected (GOV.UK). Similarly, the National Planning Policy Framework (NPPF) requires conditions to be necessary, relevant, precise, and reasonable. These tests provide an appropriate analogy when assessing whether an Area TPO, akin to a wide-ranging condition, meets the statutory threshold.

High Court Clarification

- 3.2 The case of R (Wellingborough Walks Action Group Ltd) v North Northamptonshire Council [2024] confirmed that where planning permission exists, tree works may only proceed under exceptions if they are strictly necessary and after all conditions are discharged. This judgment supports the principle that TPOs should be applied carefully and specifically, rather than via sweeping, generalised designations.

Grounds for Objection

- 4.1 This objection is made to the above Tree Preservation Order. While the objector recognises and supports the principle of protecting trees that make a significant and demonstrable contribution to public amenity, it is considered that the scope and blanket nature of this Area TPO extends considerably further than is necessary to achieve the stated aims and is unnecessary as the trees are not at risk of harm or removal and are under good arboricultural management. The objection is therefore advanced on the following grounds and that the imposition of a blanket designation and exceeds what is reasonably required to safeguard the amenity and character of the area

Ground 1: Absence of Individual Assessment

- 4.2 The Area TPO applies indiscriminately to all trees, without evidence of individual assessment of amenity value. This approach fails the proportionality requirement under statutory guidance.

Ground 2: Disproportionate and Unreasonable Restrictions

- 4.3 By treating all trees—whether of high quality or poor condition—as equally worthy of protection, the order imposes restrictions that are neither necessary nor reasonable.

Ground 3: More Appropriate Alternatives Exist

- 4.4 Selective individual or group TPOs, based on structured assessment would better align with statutory purpose and ensure protection of genuinely important specimens while allowing proper management of others.

Ground 4: Risk to Arboricultural Health

- 4.5 A blanket order risks restricting necessary management of poor or declining specimens, potentially leading to decay and hazards. Removal and replacement may in some cases be the most beneficial approach, which the current order obstructs.

Ground 5: Legal Incoherence

- 4.6 The High Court has made clear that protections must be justified on a tree-by-tree basis, not imposed generally. The broad-brush Area TPO conflicts with this principle.

Ground 6: Improper Motivation

- 4.7 The evidence suggests that the order was prompted by neighbour pressure arising from and motivated by disputes and private grievances, rather than an objective assessment of arboricultural value.

Conclusion

- 5.1 For the reasons above, it is respectfully submitted that the Local Planning Authority should:
- Withdraw the Area-wide TPO; and
 - Undertake a structured assessment to apply TPOs only to trees with demonstrable public amenity value and that can reasonably be considered to be at risk from inappropriate management or development pressure.
- 5.2 This balanced approach would ensure proportionate protection of genuinely important trees while avoiding unnecessary restrictions on ordinary or poor-quality specimens and would restore confidence that TPO powers are being exercised fairly and lawfully rather than as a tool for neighbour disputes.

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