

RE: Comment on a TPO

Citation - Barley Bat Hall, 47 Liverpool Road West, ST7 3DG. TPO 2023

Reference - 55-276

Date of visit - 27/3/23

Receipt of formal notice - 17/6/23 - Provisional order

Objections raised for TPO - Picture Ref T2 from within the garden - Oak Tree where the trunk is bordering our property [REDACTED]

Objections/concerns:

1. Previous tree maintenance - The oak tree has not received good tree management by the owners of the aforementioned property, we have resided at [REDACTED] for 23 years and during this time the tree has only once received minimal tree maintenance, this was to overhanging branches on our property (approx of the trees branches hang over our land) - we were allowed to use competent contractors to remove a number of dead branches, this was guided by the owners at an expense to ourselves and a number of dead branches remained. To ensure our family especially children remained safe we limited play in this area and eventually removed the goal posts which sat beneath the tree due to safety concerns. Throughout the storms we are always picking up dead branches which fall onto our lawn.

2. Survey recommendations - This tree along with a number of other trees was identified as needing maintaining or removing as part of our home buyers survey in 2002 due to possible subsidence risks (the property had suffered some minimal subsidence to the rear of the property) . To further minimise risks of subsidence to our property good tree maintenance or removal was advised. As a result of this a Conifer tree at the front of the property was removed in 2002, approximately 13 years ago we removed our willow tree which sat approximately 10mtrs to the left of the oak tree as both oak and willow are high water trees we felt they were competing against each other for water. The combined roots had already reached our greenhouse which is over 12.5mtrs from the oak tree and this was from a surface view only. Our Forsythia tree which was 6.5mtrs from the Oak tree on the property border was removed 10 years ago and last year we removed our Holly tree which sat approximately 12.5mtrs from the Oak tree, this was removed to minimise further root growth and the height had reached a height we felt was not suited near residential properties - the stump of this tree would have been evident during the site visit - unfortunately we have now removed all our trees due to concerns over the dominance of the oak tree.

Please see photograph which highlights in 2002 the view of our property from the road - you can see on the left picture the Willow tree behind our garage and a small hint of the oak tree, fast forward to 2023 and the oak tree is now dominating the skyline - this clearly highlights the growth of this tree due to lack of due care and maintenance to help manage both its height and root growth - both of which could affect our property, outbuildings or family members.

A further concern is our property was built in 1938 and as you will be aware properties built before 1950 were built with shallower foundations making them more susceptible to movement from root infiltration or changes in land drainage.

3. Historical evidence - The tree is not evident on the 1875 Ordnance survey as provided, at the point where the oak tree stands is evidenced by a white rectangle, the map shows the main house originally named Green Bank House. A review of the deeds of conveyance details the area depicted as a house with 4 dwellings and gardens. In 1907 the land is detailed as a nursery garden with adjoining ferneries fowl houses - this was taken from "Abstract of the title of Green Bank House 11/5/1907 and forms part of the deed documentation we hold as our property and additional land was obviously part of the original Green Bank House and owned by the daughter. From these historical records we would conclude the white rectangle seen in the 1875 OS map is just that as most of the trees on the map are no longer lining the boundary walls.

4. Public amenity - the Oak tree to our knowledge is not enjoyed by the public at large as it is behind two properties of high elevation, these properties have been in existence since 1938, behind them lies arable farming land. The tree can only be seen at one point on Liverpool Road West and one point on Linley Lane thus not an amenity enjoyed by the public at large as there is no designated public footpaths the nearest is Church Lawton FP12 which runs the far side of the railway track and due to other trees at the far end of the farming land the tree cannot be seen from this path, nor can the tree be seen from FP 26 due to this path being on low lying land. We are unsure how the possible removal of the tree would have a significant negative impact on the land environment or its enjoyment by the public. May we ask, what the TPO would bring as a reasonable degree of public benefit in the present or the future? The family whom resided in Barley Bat Hall are sadly deceased and all spouse have moved away from Cheshire so are unlikely to return or regularly pass to see the top of an oak tree from the roadside.

5. Soil suitability - the Oak tree resides on Loamy and Clay soil, the surrounding soil has a high clay content and needs to be kept hydrated to minimise natural shrinkage and cracking which occurs during spells of dry weather and this is expected to increase further due to climate change. The presence of a high water tree of this size takes a vast amount of water from the soil, further increasing the risk of subsidence to our property despite us removing all our trees. There is also potential for root damage due to the Oak's extensive lateral root system which spreads horizontally and typically up to three times the trees natural canopy our property is already at risk (due to no maintenance of the tree). The soil around the Oak tree has been built up with garden waste thus making it difficult to establish its age or route health.

6. Ownership - the land the Oak tree sits on is currently being sold as three separate lots so will no longer be part of the Barley Bat Hall (Green Bank House) footprint this again evokes further concern, a TPO has been applied for with no regard to the safety of the tree, no planned maintenance of the tree prior to selling the land or regard to the properties the tree will affect, we are concerned over time the tree as previously stated may cause root damage to outbuildings, our property or self, who is then liable for a tree which has never been maintained?

7. Sylvan setting - the TPO wishes to help maintain a Sylvan setting and landscape character around the Grade 2 listed building? The building was only listed in 1987 and a review of the historical pictures of the property formally known as Green Bank House didn't consist of living in a wood or

forest but had trees around the landscape of farm land, hence the name Lawton "farm by a mound", the Sylvan area throughout Church Lawton's history is depicted by the land owned by the squire of Lawton (namely the area around Lawton woods/Lawton Hall) and the "Glebe" the lands owned by the church - namely arable land. The Abstract of title 11/5/1907 as previously mentioned states the land was used as nursery land (to grow and sell on) with adjoining ferneries fowl houses and appurts (these appurts are still evident on our property as these were the paths to the cottages in which the workers of the land lived no. 31/33) these appurts have sadly been lost from the Barley Bat Hall grounds as this land was turned into an orchard with the planting of many trees and the original appurts have been lost thus losing a large part of the character and landscape of the dwelling and surrounding grounds which would have further served to help maintain the setting as it was in the late 1800's.

As homeowners we feel that a TPO on the Oak Tree T2 has been provisionally issued without due diligence to the properties for which it could affect, it has been requested by individuals who will have no benefit from its preservation and whom have provided no care or maintenance to the tree or developed a plan to ensure that the tree is maintained at an appropriate height for the setting, a tree which is safe for those who live under its canopy or a tree for which they will gain further enjoyment from. Barley Bat Hall had been owned by one family since 1960, one would have expected a TPO application to have been made many years ago so they could have been reassured this and the other trees within the application were preserved for them to enjoy, had this been the case we would never have purchased our property as this could implicate us for a further 30- 40 years from now and spoil the landscape and space we desired.

cc. Photo as previously described

Objection written by [REDACTED]

[REDACTED] Liverpool Road West, ST7 3DG

Date - 19/6/23

Submitted via email (as per on-line information) and in writing (as per postal request)

Shared with the owners of [REDACTED] Liverpool Road West.



Date 2002



Date 2023