



TREE PRESERVATION ORDER OBJECTION

TO

THE CHESHIRE EAST BOROUGH COUNCIL

(KNUTSFORD – 82 KING STREET)

TREE PRESERVATION ORDER 2024

ON BEHALF OF

ADAM WAHEED

STRATEGIC PROPERTY CORPORATION LTD

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1. TERMS OF REFERENCE

- 1.1.** Cheshire Woodlands is instructed by Adam Waheed (the Client) to review the Cheshire East Borough Council (Knutsford – 82 King Street) Tree Preservation Order (TPO) 2024, (the Order), and produce a written objection.

2. INTRODUCTION

- 2.1.** This written representation has been prepared by Glyn Thomas, Senior Consultant with Cheshire Woodlands Limited, on behalf of Adam Waheed.
- 2.2.** The representation is submitted under Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.3.** I rely on paperwork supplied to me by the Client and by Emma Hood the Council's Principal Arboricultural Officer.
- 2.4.** I make reference to current Government guidance¹, which explains the legislation governing TPOs.
- 2.5.** I have not visited the site or assessed the tree the subject of the Order.

3. CHRONOLOGY OF EVENTS

- 3.1.** The Client's agent submitted a Section 211 Notification of Proposed Works to Trees in a Conservation Area (the Notification) on 31 October 2024.
- 3.2.** The Notification was registered by Cheshire East Borough Council (the Council) on the same day under planning reference 24/4411/TCA.

¹ [Tree Preservation Orders and trees in conservation areas](#)

- 3.3.** The Notification related to a proposal to remove a Lime tree at the rear of 82 King Street in the Knutsford (Town Centre) Conservation Area.
- 3.4.** The Order was made on 5 December 2024 and served on 9 December 2024. For the purpose of this representation, I have assumed it was properly served.
- 3.5.** The Order was made pursuant to a request from Knutsford Town Council.
- 3.6.** On 13 December 2024 the Client emailed to Emma Hood another objection to the Order from Morton Baxter Associates of 3 Slaters Court, Knutsford. This has been acknowledged by the Council and will be considered separately when they decide whether or not to confirm the Order.
- 3.7.** On 18 December 2024, Emma Hood emailed me copies of an Amenity Evaluation Checklist dated 4 December 2024 and a Landscape Appraisal dated 28 November 2024.

4. THE ORDER

- 4.1.** The Schedule in the Order identifies a single Lime tree, referenced T1, encircled in black on the TPO map, standing approximately 15 metres to the south west of the rear elevation of 82 King Street (grid reference 375,152 – 378,715).
- 4.2.** The Regulation 5 Notice served with the Order states *'The Council have made the Order*
- *In the interests of maintaining the amenity of the area in which the tree stands, in that it is considered to be a long-term amenity feature.*
 - *The Council has been served a Section 211 notice under the Town and Country Planning Act of the intention to remove a mature tree to the rear of 82 King Street.*
 - *To maintain the landscape character and historic character of Knutsford (Town Centre) Conservation Area.*
 - *Such amenities are enjoyed by the public at large and without the protection the Order affords; there is a risk of the amenity being destroyed*

- *It is considered expedient in the interests of amenity to make provision for the trees long-term retention*
- *In the interests of securing the retention and enhancement of established tree cover in accordance with the strategic goals and priorities of the Cheshire East Council Environmental Strategy and Green Infrastructure Plan.'*

5. GOVERNMENT GUIDANCE

5.1. Current advice on the legislation governing TPOs is set out in Department for Levelling Up, Housing and Communities, and Ministry of Housing, Communities and Local Government guidance 'Tree Preservation Orders and tree protection in conservation areas'.

5.2. The following guidance is relevant to this objection:

- *'Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. (Paragraph 005)*
- *'When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified'. (Paragraph 005)*
- *'Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.'* (Paragraph 007)
- *'When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way.....' (Paragraph 008)*

6. THE COUNCIL'S ASSESSMENT OF THE TREE

6.1. The Council's assessment of amenity and expediency, and by inference their justification for making the Order is informed by the Amenity Evaluation Checklist and Landscape Appraisal.

6.2. The following are of relevance to this objection:

- The 'background check' (section 1) confirms that the Conservation Area is not designated partly because of the importance of trees, which infers that tree cover is of secondary importance to the built form, particularly in this part of the Conservation Area.
- It would appear that the Arboricultural Officer has made judgements on historical associations, and the tree's contribution both to the setting of the Listed Building and to the character and appearance of the Conservation Area without the benefit of advice from a suitably qualified conservation/ heritage expert. Whether or not the Arboricultural Officer has the qualifications, knowledge and experience to make such judgements is questionable.
- In the assessment of the tree's contribution to the setting of the Listed Building, there is no suggestion that the tree is contemporary with the Listed Building. The tree may well be a later planting, which would substantially affect its significance. The mere presence of a tree within the curtilage of a Listed Building does not necessarily confer significance in terms of contribution to setting. This would require input from a conservation/ heritage expert.
- The assessment of 'visual prominence' lists 'site and immediate surroundings', which suggests that public views of the tree are limited and localised. The Landscape Appraisal suggests that the tree is only visible from Slaters Court, Red Cow Yard and Leaks terrace, but does not distinguish between public and private views. Whilst the Slaters Court photographs appear to be public views from a public footpath (Knutsford FP23), it is unclear whether the Red Cow Yard, Stables and Leaks Terrace photographs are from public or private viewpoints. Either way, the Landscape Appraisal

demonstrates that public and private views of the tree are very localised and are limited to a very small part of the Conservation Area. The suggestions that the tree makes 'a valuable contribution to the Conservation Area', and that its loss would 'have a significant impact on the local environment' and would compromise 'the landscape character and historic character of the.....Conservation Area' are questionable. That these judgements have been made without the benefit of suitably qualified landscape and heritage advice is problematic.

7. CONCLUSION AND REASON FOR OBJECTION

- 7.1.** The Council's decision to make the Order is based on questionable landscape, conservation and heritage judgements made by an arboriculturist and apparently without the benefit of suitably qualified expert opinion.

8. RECOMMENDATIONS

- 8.1.** The Client requests that the Order is not confirmed.
- 8.2.** The Client requests that the Council takes into account the objections contained herein when deciding whether or not to confirm the Order and when giving weight to the Order in relation to any future planning applications, appeals or negotiations.
- 8.3.** The representations, objections and opinions, actual or implied, contained herein are given without prejudice to any future interest, of any party, in the land affected by the Order.