

Attn: Nicola de Bruin, Solicitor  
High Peak Borough Council  
PO Box 136  
Buxton  
SK17 1AQ

03 August 2021

My Ref: 081Trees/08/2021  
LPA Ref: TPO 300

Dear Sirs

**Town and Country Planning Act 1990  
Town and Country Planning (Tree Preservation Orders)(England) Regulations 2012  
High Peak Borough Council Tree Preservation (Bowden Hall, Bowden Lane, Chapel en le Frith)  
Order 2021 No. 300.**

Objection under Part 2, Regulation 6 requires that objections shall be made in writing, delivered to the LPA by the date specified under Regulation 5(2)(c) sent to the authority via post. This objection is sent electronically as well, given the current constraints and restrictions due to the pandemic.

The due date under Reg 5 is 4<sup>th</sup> August 2021, by 5pm.

Objections are made on behalf of Mr Nigel Webb, Bowden Hall, Bowden Lane, Chapel en le Frith, SK23 0QP.

**Specific Trees**

Reg 6 (b) requires that submissions shall specify the particular trees, groups of trees or woodland in respect of which such objections are made.

The draft TPO covers the whole site; the revised Order shows 8 No individual trees and 3 No woodland groups. The objection relates specifically to 3 No. Sycamore trees to the east of the Coach House and 1 No Beech tree to the north of the Coach House, in the north-east corner of the site, shown as T5, T6, T7 & T4 respectively on the LPA's indicative plan (extract shown as Fig 1, not to scale).

Fig 2 shows an extract from a tree survey carried out by LandArb Solutions Ltd in 2020 which identifies the Sycamores within group G15 as T14. (Not to scale).

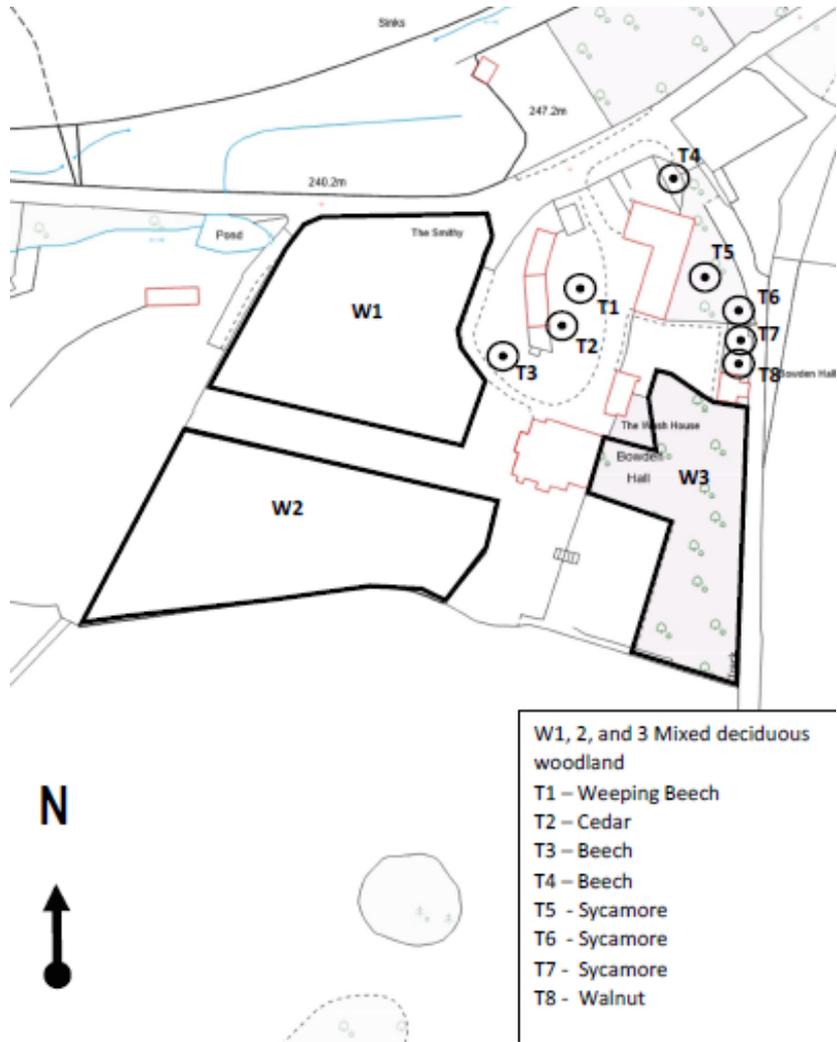


Fig 1 Extract of TPO Plan

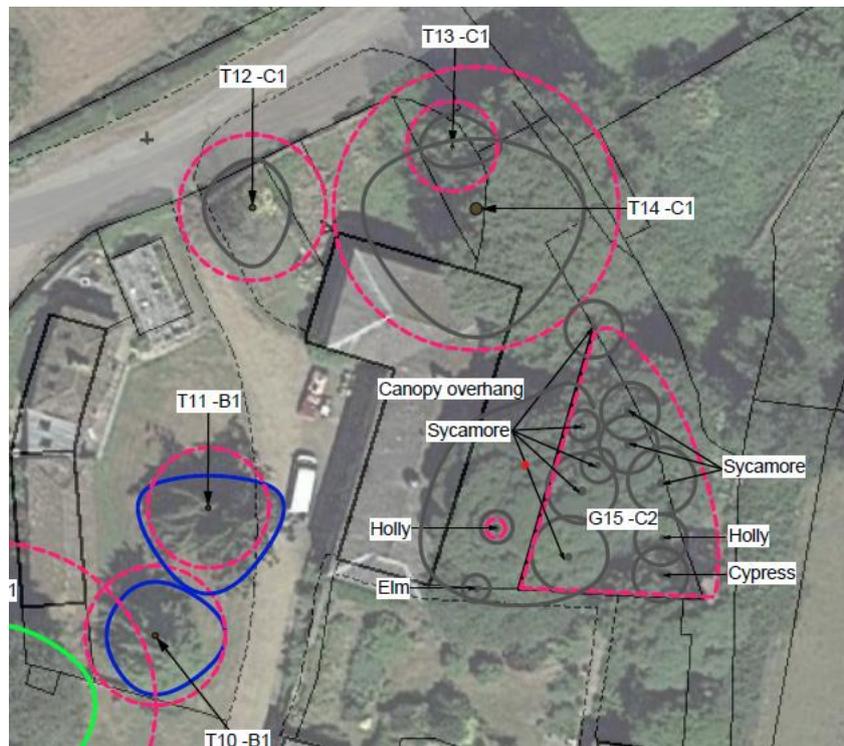


Fig 2 Extract of LandArb Solutions Plan

## Grounds of Objection

**The Beech tree** is a poor specimen that is clearly ailing. It is in close proximity to the north wall of the Coach House and roots have damaged the listed stone wall. Preliminary inspection suggests that the southern half of the tree should be removed. There is concern that removal of the tree would unbalance the structure of it and undermine its stability, increasing the risk of the tree falling on the listed building or onto the Public Right of Way (PROW). The retention of this tree in the TPO is objected to on the grounds of safety and that of its condition.

**The Sycamore trees** have been the subject of a Structural Safety Assessment by Sine Aequalis. This is described as '*A calculation-based risk study looking at the exposure of the remaining trees, their estimated sizes, drag coefficients, etc.*' (Please see attached).

The report concludes '*There is significant risk to both listed fabric and human life should the original hall building be occupied during a significant storm event. It would therefore be prudent not to commence permanent residency until the remaining trees have been removed as originally intended.*'

There is a note about the Beech tree, also, concluding that it poses a '*significant risk*'

The trees are already causing damage to the LB by virtue of clogging up the rainwater goods with leaf fall and corrosive excretions from insects etc. specific to sycamore trees.

There is a major branch of the largest specimen overhanging the roof of the LB. Were this to fall it would cause great harm to the fabric and structure of the LB.

There are branches overhanging the PROW; this is considered to be a risk to life and free passage on the footpath. There are also branches overhanging Bowden Cottage land (next door).

There is concern that the unretained bank out of which the sycamore trees emanate may have been destabilised by the legitimate removal of the other 3 No. trees. If this resulted in landslip there could be serious consequences for the LB and anyone occupying it.

The trees are self-set Sycamores of negligible amenity value; the objection holds that they are too big, potentially dangerous to life and limb and in the wrong location. There is not any public benefit from the trees' retention.

The inclusion of these 3 No. trees in the TPO is objected to most strongly. Works to remove potential hazard to life and the listed building need to be undertaken without delay.

**The Coach House** is a Listed Building Grade II. The trees are nominally within its setting but do not contribute to the significance of the asset

S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*'In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

This places a duty on LPAs to ensure that development does no harm to listed buildings and implies that where potential for harm is identified, preventative action would be desirable.

Historic England's advice is that 'There is no statutory obligation upon the owner of a listed building to keep their property in a good state of repair, although it is usually in their interest to do so. However, local authorities can take action to secure the repair of a listed building when concerned about its continued conservation'.

There is an implied duty on all parties to do no harm. It must be preferable to deal with potential problems in advance when identified. In this case the risk is real, the concern for the well-being of the community and the listed building is genuine and the owner is resolute in his wish to ameliorate the situation in advance of a catastrophe of any proportion occurring.

### **New Planting**

The Objector will undertake to plant 12 No trees of appropriate species in agreed locations in compensation for the removal of the trees from the TPO.

Yours faithfully

**Mark Strawbridge MRTPI IHBC FRSA**

Encs.  
Land Arb Solutions Tree Survey LAS 115 01  
Land Arb Solutions Tree Retention and Loss LAS 115 02  
Sine Aequalis Risk Assessment 21086