

26/00024/TORDER

Objector The Trustees of the J Garratt Will Trust

Location Land east of Sutton Lane, Elton on the Hill, NG13 9LA

Objection To the Elton No.1 Tree Preservation Order 2026

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects trees under 2 different ownerships to the east side of Sutton Lane in Elton. The southern part of the TPO protects a number of trees on a parcel of land that contains a barn in a narrow clearing. To the north in separate ownership is an area of semimature woodland which narrows into a line of mature Chestnut trees. This section of Sutton Lane has a strong tree lined character on its eastern side with the Council previously protecting 4 mature Oak trees (again in different ownership) within a paddock to the immediate south of the barn.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO protects an area of woodland, 2 individual Oak trees and a group of 4 Goat Willows.
3. The TPO was made on the 24th February 2026. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made.

SITE HISTORY

4. The TPO was made following the submission of a planning application to convert the barn into a residential property, reference: 26/00203/FUL, which was subsequently refused. Concerns were raised from members of the public that tree removal was planned prior to a decision being made. It was also alleged that the owner of the barn was keen to see work taking place within the adjacent woodland. There is existing planning approval to convert the barn into a dwelling, reference: 24/00267/FUL.
5. Officers assessed all trees in the vicinity to determine what was suitable for protection. To the south of the barn was a line of Goat Willows at right angle to the road, of these the 4 most prominent trees were included within the TPO, the others have not been protected due to them not being visible from public vantage points. Either side of the entrance to the barn were 2 Oak trees which made a strong contribution to the tree line character of the road and as such considered worthy of protection.

6. The adjacent woodland was also assessed, the younger part of the woodland had not been managed and there is some suppression of trees resulting in spindly specimens, it also contains a fairly high proportion of Ash and is likely to succumb to Ash dieback disease. These factors combined with suggestions that the owner of the barn was hoping to see work done to the trees, as well as the risk of root damage should adjacent development take place, all indicated that there were foreseeable risks to the woodland even though it did not form part of any current planning application or proposed development. Therefore, it was considered that a TPO would be the best way to protect trees and secure replacement planting should removal be required.

REPRESENTATIONS

Ward Councillor

7. The Ward Councillor was consulted and provided the following response: "I am aware of the situation and there will likely be a special parish meeting to discuss this in which I will participate, but this seems reasonable to me."

Local Residents and the General Public

8. The owner of the barn which is subject to the planning application has not objected to the TPO.
9. The owners of the woodland, the Trustees of the J Garratt Will Trust have objected to the TPO for the following reasons:
 - No development is proposed on the woodland and they respectfully request the TPO refer only to the development site. They believe the woodland can be protected if the Council enforces planning conditions to previous approval given to develop the barn.
 - The wood is primarily a stand of young Ash, planted in the mid-late 1990's. They are spindly and lanky in form through lack of management. That aside, there is a continuous belt of trees from the development site towards the Sutton crossroad, therefore, the woodland is not of high conservation value, highly visible or high public amenity value.
 - The Council's points-based assessment is subjective and does not accurately reflect the subject. The woodland has been given an aesthetic score of 3, being medium sized early mature trees in good shape. In reality they are spindly and leaning with some dead due to suppression. This does not reflect a high score or high aesthetic.
 - The general scoring for the woodland seems generous and they consider that the scoring for both health and safety and wildlife/heritage should be subtracted giving a more borderline scoring of 12 for the woodland and 13 for the Chestnuts.
 - Government advice is that public amenity alone is not sufficient to warrant a TPO with the guidance referring to other characteristics being considered - size and form; rarity, cultural or historic value; contribution to the landscape. Both the woodland and Oak lack size and form – being immature specimens. Nor are they of particular rarity, cultural or historic

value being a relatively recent plantation. They do not make a significant contribution to the landscape - due to this stretch of Sutton Lane being lined with more mature, similar species of greater character and amenity.

APPRAISAL

10. At the time of making the TPO, officers considered whether it should just apply to the development site but concluded that the woodland could be at risk for a number of reasons. Developers do not always follow best practice or comply with approved tree protection conditions when construction work takes place and a TPO can help focus minds and ensure trees are given the protection that is needed. It appeared at the time of making the TPO that the owner of the barn would like to see work take place to the woodland. In addition, it was felt that the woodland needed management work and seemed to be somewhat neglected and that large scale removal may be needed at some point to remove spindly trees or those affected by Ash dieback. A TPO is the best way to ensure that any work is appropriate and can secure replacement planting. Government guidance makes it clear that a woodland TPO should not be used to prevent good woodland management that may include thinning out. The aim of the TPO is not to prevent such management but aims to secure the long-term retention of the wood.
11. Whilst the quality of individual trees within the woodland is variable due to competition resulting in suppression, collectively the trees have public amenity value as they form an integral part of a prominent continuous belt of trees along the eastern side of Sutton Lane.
12. Government guidance notes that protected trees should normally be visible from a public vantage point and visual amenity is a key reason for making a TPO. The objection is correct that public visibility alone does not justify protection, but it is considered that this is in part intended to imply that poor quality, or inappropriate trees will not warrant protection even though they are visible to the public. As noted above the eastern side of Sutton Lane is tree lined and the Council considered the fact the trees contribute to this landscape feature to be a positive factor.
13. The TPO uses the woodland classification where trees have collective value and all trees of whatever age are protected. The Council's points-based assessment (a copy of which is included below) took into account the overall aesthetic value of the woodland rather than the quality of individual trees.
14. The objection slightly misunderstands how the points-based system is used in that health and safety scores are always subtracted, but wildlife and heritage scores can be added or subtracted depending on the exact circumstances, for example, weight is given to native trees, whereas non-natives may, or may not be appropriate depending on the circumstances. Even if the objector's scoring is used, the trees still meet the threshold within the scoring system to warrant protection.
15. Officers do not accept the view that other trees along Sutton Lane are of more character and value, the protected trees are important to the tree lined character of the road and deserve protection given their contribution to the street scene.

16. Given the nature of the objection which relates to the woodland only, no concerns are raised in respect of the Group of 4 Goat Willows or 2 individual Oak Trees. And for the reasons set out above, it is considered that the woodland is still considered suitable for protection.

RECOMMENDATION

It is **RECOMMENDED** that the Elton No.1 Tree Preservation Order 2026 be confirmed without modification.

TPO TREE EVALUATION SHEETS

RUSHCLIFFE BOROUGH COUNCIL CONSERVATION AREA TREE NOTIFICATIONS AND TPO TREE EVALUATION SHEET			
Location of Tree	Land East of Sutton Lane		
Species	Oak and Chestnuts		
1. Aesthetic Quality		3. Condition	
Excellent , large/mature, good examples of the species, balanced, can also include veteran trees which may be retrenched. 4		Excellent . No obvious defects, trees with 50+ useful life ahead. 4	
Good , medium sized or early mature trees with good shape and high potential. 3		Good . Minor defects to be expected with age of the tree. 25+ year useful lifespan. 3	
Fair , semi mature trees with good form. Larger trees with poor shape 2		Fair , some defects which do not require the removal of the tree or could be rectified through pruning. 10+ year useful lifespan. 2	
Poor . Young trees. Suppressed. Poor past pruning. 1		Poor , structural defects which will limit ability of tree to be retained. Less than 10 years useful lifespan. 1	
Unightly . Poor form, affected by past failure or dieback. 0		Dying/Dead . 0	
2. Impact on public amenity if removed		4. Proximity and effect on buildings	
Very severe adverse impact . Large trees in prominent locations, visible from wide area or distance. Screen unsightly structures. 4		Able to grow to full mature extent without the need for pruning to control size. 4	
Severe adverse impact . Large trees clearly visible but not prominent, medium trees in prominent locations. 3		Able to grow to reasonable maturity without significant impact on properties, some loss of light could be experienced. Tree proportional to the size of garden it is located in. 3	
Moderate impact . Medium trees visible but not prominent, small trees in prominent locations. 2		Spread will eventually affect properties with nuisance impact – shade, debris, soil depletion across entire garden. 2	
Little impact or no change . Removal may open up positive views of trees or buildings which will mitigate loss. Trees long way from public viewpoints, obscured or very limited public viewpoints. 1		Will eventually affect buildings with structural implications. 1	
Improvement (or not visible to public). 0		Buildings already affected. 0	
All views are from public vantage points, future amenity can be taken into account. 0			
Total Score Category 1-4 above 14		Maximum possible total 17	
Health and Safety Score (see below) 0		A tree with a score of 11 or above will be considered for a TPO although a score of 0 or 1 in any category will negate this.	
Wildlife Score (see below) 1			
Total 15			
HEALTH AND SAFETY			

This scoring system does not take into account damage or injury which could be caused if a tree located close to buildings, gardens, roads, or places of public access should fall or shed branches. Regardless of the tree's condition or type this possibility must be considered. This assessment is inevitably subjective and should be based on the trees at the current time and remember trees owners have a general duty of care but must err on the side of caution. The scores below should be subtracted from the above scores and could be the deciding factor in borderline cases.

Damage to property or physical injury not likely	0
Limited structural damage possible, low use areas where the public or residents will not be present for long periods of time.	1
Trees overhang or dominate properties or roads where there is high public use or car parking throughout the day.	2

Wildlife/Heritage	
Ancient, heritage or native species appropriate to local landscape character.	1
Non-native trees outside of conservation area.	0
Non-native trees in conservation areas, unless it is a heritage or ancient tree.	-1

RUSHCLIFFE BOROUGH COUNCIL CONSERVATION AREA TREE NOTIFICATIONS AND TPO TREE EVALUATION SHEET			
Location of Tree	Land East of Sutton Lane		
Species	Woodland		
1. Aesthetic Quality		3. Condition	
Excellent , large/mature, good examples of the species, balanced, can also include veteran trees which may be retrenched.	4	Excellent . No obvious defects, trees with 50+ useful life ahead.	4
Good , medium sized or early mature trees with good shape and high potential.	3	Good . Minor defects to be expected with age of the tree. 25+ year useful lifespan.	3
Fair , semi mature trees with good form. Larger trees with poor shape	2	Fair , some defects which do not require the removal of the tree or could be rectified through pruning. 10+ year useful lifespan.	2
Poor . Young trees. Suppressed. Poor past pruning.	1	Poor , structural defects which will limit ability of tree to be retained. Less than 10 years useful lifespan.	1
Unightly . Poor form, affected by past failure or dieback.	0	Dying/Dead .	0
2. Impact on public amenity if removed		4. Proximity and effect on buildings	
Very severe adverse impact . Large trees in prominent locations, visible from wide area or distance. Screen unightly structures.	4	Able to grow to full mature extent without the need for pruning to control size.	4
Severe adverse impact . Large trees clearly visible but not prominent, medium trees in prominent locations.	3	Able to grow to reasonable maturity without significant impact on properties, some loss of light could be experienced. Tree proportional to the size of garden it is located in.	3
Moderate impact . Medium trees visible but not prominent, small trees in prominent locations.	2	Spread will eventually affect properties with nuisance impact – shade, debris, soil depletion across entire garden.	2
Little impact or no change . Removal may open up positive views of trees or buildings which will mitigate loss. Trees long way from public viewpoints, obscured or very limited public viewpoints.	1	Will eventually affect buildings with structural implications.	1
Improvement (or not visible to public).		Buildings already affected.	0
All views are from public vantage points, future amenity can be taken into account.	0		
Total Score Category 1-4 above	14	Maximum possible total	17
Health and Safety Score (see below)	0	A tree with a score of 11 or above will be considered for a TPO although a score of 0 or 1 in any category will negate this.	
Wildlife Score (see below)	1		
Total	15		
HEALTH AND SAFETY			

This scoring system does not take into account damage or injury which could be caused if a tree located close to buildings, gardens, roads, or places of public access should fall or shed branches. Regardless of the tree's condition or type this possibility must be considered. This assessment is inevitably subjective and should be based on the trees at the current time and remember trees owners have a general duty of care but must err on the side of caution. The scores below should be subtracted from the above scores and could be the deciding factor in borderline cases.

Damage to property or physical injury not likely	0
Limited structural damage possible, low use areas where the public or residents will not be present for long periods of time.	1
Trees overhang or dominate properties or roads where there is high public use or car parking throughout the day.	2

Wildlife/Heritage	
Ancient, heritage or native species appropriate to local landscape character.	1
Non-native trees outside of conservation area.	0
Non-native trees in conservation areas, unless it is a heritage or ancient tree.	-1

RUSHCLIFFE BOROUGH COUNCIL CONSERVATION AREA TREE NOTIFICATIONS AND TPO TREE EVALUATION SHEET			
Location of Tree	Land East of Sutton Lane		
Species	Goat Willows and Ash along southern boundary and rear of site.		
1. Aesthetic Quality		3. Condition	
Excellent , large/mature, good examples of the species, balanced, can also include veteran trees which may be retrenched. 4		Excellent . No obvious defects, trees with 50+ useful life ahead. 4	
Good , medium sized or early mature trees with good shape and high potential. 3		Good . Minor defects to be expected with age of the tree. 25+ year useful lifespan. 3	
Fair , semi mature trees with good form. Larger trees with poor shape 2		Fair , some defects which do not require the removal of the tree or could be rectified through pruning. 10+ year useful lifespan. 2	
Poor . Young trees. Suppressed. Poor past pruning. 1		Poor , structural defects which will limit ability of tree to be retained. Less than 10 years useful lifespan. 1	
Unightly . Poor form, affected by past failure or dieback. 0		Dying/Dead . 0	
2. Impact on public amenity if removed		4. Proximity and effect on buildings	
Very severe adverse impact . Large trees in prominent locations, visible from wide area or distance. Screen unsightly structures. 4		Able to grow to full mature extent without the need for pruning to control size. 4	
Severe adverse impact . Large trees clearly visible but not prominent, medium trees in prominent locations. 3		Able to grow to reasonable maturity without significant impact on properties, some loss of light could be experienced. Tree proportional to the size of garden it is located in. 3	
Moderate impact . Medium trees visible but not prominent, small trees in prominent locations. 2		Spread will eventually affect properties with nuisance impact – shade, debris, soil depletion across entire garden. 2	
Little impact or no change . Removal may open up positive views of trees or buildings which will mitigate loss. Trees long way from public viewpoints, obscured or very limited public viewpoints. 1		Will eventually affect buildings with structural implications. 1	
Improvement (or not visible to public). 0		Buildings already affected. 0	
Visibility rapidly decreases with distance from road			
Total Score Category 1-4 above	11	Maximum possible total	17
Health and Safety Score (see below)	0	A tree with a score of 11 or above will be considered for a TPO although a score of 0 or 1 in any category will negate this.	
Wildlife Score (see below)	1		
Total	12		
HEALTH AND SAFETY			

This scoring system does not take into account damage or injury which could be caused if a tree located close to buildings, gardens, roads, or places of public access should fall or shed branches. Regardless of the tree's condition or type this possibility must be considered. This assessment is inevitably subjective and should be based on the trees at the current time and remember trees owners have a general duty of care but must err on the side of caution. The scores below should be subtracted from the above scores and could be the deciding factor in borderline cases.

Damage to property or physical injury not likely	0
Limited structural damage possible, low use areas where the public or residents will not be present for long periods of time.	1
Trees overhang or dominate properties or roads where there is high public use or car parking throughout the day.	2

Wildlife/Heritage

Ancient, heritage or native species appropriate to local landscape character.	1
Non-native trees outside of conservation area.	0
Non-native trees in conservation areas, unless it is a heritage or ancient tree.	-1