

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND) REGULATIONS 2012**

**Tree Preservation Order No. 394**

To: Mrs Kirstie Harvey  
West Hyde Nursery  
Old Uxbridge Road  
West Hyde  
WD3 9XY

Ref: 54675/TRE/2022/106

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above-mentioned Act and Orders and Regulations made thereunder give notice that consent is hereby **REFUSED** to carry out the following operation(s) :-

**Description of operation(s) :**

To carry out tree surgery including a crown reduction by 2-3m to six Oaks (T1/2/3/4/5/6 on application) all within Area 1 on TPO 394

**Location :** 9 Lowswood Close Northwood

**Date of receipt:** 26 May 2022

**Drawing/plan Numbers:** See attached sheet for details

**Consent is refused for the reason(s) listed on the attached schedule:-**

**Signed:** 

**Head of Planning, Transportation and Regeneration**

**Date: 7 July 2022**

NOTES: Attention is particularly drawn to the attached schedule which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.

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**SCHEDULE OF REASONS**

**INFORMATIVES:**

- 1 . The Oak trees are all situated within the rear garden of 9 Lowswood Close. As a group they have a high amenity value and significantly contribute to the arboricultural character of the Copse Wood Estate an Area of Special Local Character (ASLC). They provide a gradual transition of mature tree cover between the dwellings in the Copse Wood estate and the nearby Ruislip woods National Nature Reserve (NNR). The benefit in amenity and biodiversity afforded by the trees is both present and future because they have the potential for long life expectancies.

Previously we received a subsidence related tree works application for this address (54675/TRE/2004/89) however this was dismissed at appeal and the Secretary of State concluded "the damage is minor and associated with recent past building works at the rear and accepts the inspector's view that visual and photographic evidence points to an incident of ground heave, likely to have been associated with such works". Within the current application no evidence has been supplied to support the claim that the underpinning was completed due to damage caused by nearby tree/s.

The trees are situated to the north of the property and as a result reduction works are unlikely to make a significant difference to the level of light, furthermore, crown reductions would unnecessarily introduce large multiple wounds into their crowns, which would likely cause stress and lead to infection, affecting their long-term health; this would affect the safe useful life expectancy of all the trees. Pruning would also result in weakly attached re-growth forming that would be prone to future failure.

Having regard to the reasons given for the proposed work, the work is justified and will not have a detrimental impact of on the visual amenity and arboreal character of the area.

- 2 . The removal of deadwood, dangerous / hanging branches and ivy: This does not require the formal consent of the Council.

**Address:**

Residents Services  
London Borough of Hillingdon  
3 North Civic Centre, High Street, Uxbridge UB8 1UW  
Tel: 01895 250230  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)



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**Schedule of Plans / Drawings**

Sketch plan - received 26 May 2022

## SCHEDULE

### 1. Regulation 24

- (1) If, on a claim under this regulation, a person establishes that loss or damage has been caused or incurred in consequence of—
- the refusal of any consent required under these Regulations;
  - the grant of any such consent subject to conditions; or
  - the refusal of any consent, agreement or approval required under such a condition, that person shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this regulation—
- if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
  - if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under these Regulations for the felling in the course of forestry operations of any part of a woodland area—
- they shall not be required to pay compensation to any person other than the owner of the land;
  - they shall not be required to pay compensation if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is subject to an appeal to the Secretary of State, the date of the final determination of the appeal; and
  - such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any case other than those mentioned in paragraphs (2) or (3), no compensation shall be payable to a person—
- for loss of development value or other diminution in the value of the land;
  - for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
  - for loss or damage reasonably foreseeable by that person and attributable to that person's failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
  - for costs incurred in appealing to the Secretary of State against the refusal of any consent required under these Regulations or the grant of any such consent subject to conditions.
- (5) Subsections (3) to (5) of section 11 of the Forestry Act 1967(21) (terms of compensation on refusal of licence) shall apply to the assessment of compensation under paragraph (3) as they apply to the assessment of compensation where a felling licence is refused under section 10 of that Act(22) (application for felling licence and decision of Commissioners thereon), as if—
- for any reference to a felling licence there were substituted a reference to a consent required under these Regulations; and
  - for the reference to the Commissioners there were substituted a reference to the authority.
- (6) Claims for payment of compensation by virtue of paragraph (1) shall be made in writing to and paid by the authority.
- (7) (a) This paragraph applies where—
- an authority have granted consent under regulation 17(1) and (3) for felling in the course of forestry operations all or any part of a woodland area to which an order applies;
  - such consent is granted subject to a condition under regulation 17(2)(a) requiring trees to be planted; and
  - the Forestry Commissioners decide not to make a grant or loan under section 1 of the Forestry Act 1979(23) (finance for forestry) in respect of the planting required by such a condition as is mentioned in paragraph (ii) for the reason that such a condition frustrates the use of the woodland area for the growing of timber or other forest products for commercial purposes and in accordance with the rules or practice of good forestry;
- (b) where this paragraph applies, the Forestry Commissioners shall, at the request of the person under a duty to comply with such a condition as is mentioned in sub-paragraph (a)(ii), give a certificate stating whether they have decided not to make such a grant or loan as is mentioned in sub-paragraph (a)(iii) and, if so, the grounds for their decision.
- (8) Any question of disputed compensation under this regulation shall be referred to and determined by the Upper Tribunal(24).
- (9) In relation to the determination of any such question, the provisions of section 4 of the Land Compensation Act 1961(25) (costs for proceedings of Upper Tribunal) and sections 22 (Tribunal Procedure Rules) and 29 (costs or expenses) of the Tribunals, Courts and Enforcement Act 2007 shall apply subject to any necessary modifications and to the provisions of these Regulations.
- (10) This regulation shall not apply to orders to which regulations 26(3) or 26(4) apply.
- (11) In this regulation—
- “development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and “owner” has the meaning given by section 34 of the Forestry Act 1967(26) (meaning of “owner”).

### 2.

I) Where an application is made to the Authority for consent under the Order and consent is refused by that Authority or is granted by them subject to conditions, then if the applicant is aggrieved by the decision on the application the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision or such longer period as the Planning Inspectorate may allow, appeal to the Secretary of State. Appeals must be made on a form which is obtainable from the Planning Inspectorate, Environment Team, 4/04. Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel 01173728192, Fax 01173726241, e-mail [environment.appeals@pins.gsi.uk](mailto:environment.appeals@pins.gsi.uk)) or from their website [www.planning-inspectorate.gov.uk/pins/appeals/tree\\_preservation/index.htm](http://www.planning-inspectorate.gov.uk/pins/appeals/tree_preservation/index.htm)

II) When an appeal is brought under this provision from a decision of the Authority, the Secretary of State, subject to the following provisions, may allow or dismiss the appeal or may reverse or vary any part of the decision of the Authority, whether or not the appeal relates to that part and may deal with the application as if it had been made to him in the first instance.