

Officer Report

Application No.	25/0902/FH
Site Address	THE BARN, RECTORY LANE, SALTWOOD, HYTHE, CT21 4QA
Officer Name	Danielle Wilkins
Proposal	Works to trees the subject of TPO No. 07 of 1997 T1 Cedar raise the crown up to 5 metres situated in a Conservation Area.

Recommendation

Report Number	RD-437738
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	02 July 2025

Report

Site Description

The site is The Barn, a period detached property located at the far end of Rectory Lane and within the Saltwood Conservation Area. The site is within an Area of Special Character and the Kent Downs Area National Landscape

The large mature Cedar is situated on an area of grass between the road edge and the side elevation of the dwelling. It is one of three trees subject of Tree Preservation Order No 7 of 1997 and is extremely prominent in the street scene, having high visual amenity value. Together with surrounding vegetation it makes a positive contribution to the sylvan character of this quiet semi-rural location and to the visual amenity of the conservation area as a whole.

Relevant Site History

There have been four previous applications for works to trees at this location, the most recent being:

Y17/1344/SH - Crown reduction back to previous pruning points of a Sycamore tree situated within a conservation area. No objection

Y17/1293/SH - 5 metre crown lift of a Cedar subject of Tree Preservation Order No 7 of 1997. Approved with conditions

Y16/0904/SH - Felling of two Laurels and one shrub situated within a conservation area followed by the planting of a new mixed hedge. No objection

Y14/1233/SH - Works to trees situated within a conservation area comprising the felling of a Holly and the reduction in height by 3 metres of two Laurels. No objection

Proposal

The application comprises of:

Works to trees subject to TPO No. 07 of 1997

To raise the crown of the Sycamore by 5 metres on the grounds that it is very close to and encroaching over the roof of the house and driveway.

Assessment

The tree the subject of this application was considered to present good levels of vigor and structure at the time of the site visit.

The tree is considered to be representative of its species and age and no major notable defects were observed.

Representations

0 representations received

Consultation Responses

Saltwood Parish Council: No comments received

Relevant Policies

The Development Plan comprises the Core Strategy Review 2022 and the Places and Policies Local Plan 2020

Core Strategy Review (2022): SS1 (Spatial Strategy)

National Planning Policy Framework (NPPF) 2024

National Planning Policy Guidance (NPPG)

Town & Country Planning Act 1990 and Town Country Planning (Tree Preservation) (England) Regulations 2012

Appraisal

The Cedar provides an important landscape feature in this location.

The proposed crown lift is considered reasonable and acceptable and in line with good arboricultural practice to address the encroachment issues.

Subject to conditions, the works are not considered to impact the long-term health of the tree or its visual amenity contribution, both separately and together with the other tree, within the Tree Preservation Order or the character of the local area. As such the works would have a negligible impact on the appearance of the public realm.

Human Rights

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

Duty to Cooperate

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), December 2024 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

Public Sector Equality Duty

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals focused on solutions. We seek to work with applicants/agents in a positive and creative way by:

- Offering a pre-application advice service;
- Where possible, suggesting solutions to secure a successful outcome; and
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was acceptable as submitted.

Recommendation

In light of the above, it is considered the proposal complies with the above policies and the NPPF and is therefore recommended for approval subject to conditions.

Recommended Conditions (3)

1

The work hereby permitted shall be begun before the expiration of two years from the date of this consent.

Reason:

To enable the Council to consider the position again should the work not be carried out within the prescribed period.

2

The agreed works shall be carried out in accordance with British Standard 3998: 2010 (Tree Work - Recommendations).

Reason:

To ensure that the works are carried out with good arboricultural practice in accordance with industry recommendations and local policy.

3

The work hereby approved relates to the following schedule of works.

Works to trees subject to TPO No. 07 of 1997

Sycamore – Crown lift of 5 metres

Reason:

For the avoidance of doubt and to preserve the arboricultural amenity value that the tree provides to the surrounding area in accordance with local policy.

Suggested Informatives (2)

1

Care should be taken to consider nesting birds between March and September as in accordance with the Wildlife and Countryside Act 1981 (as amended) and also the need to consider the protection of any roosting or foraging bats afforded protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended).

2

Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England and/or Kent Wildlife Trust.