

Officer Report

Application No.	26/0388/FH/TCA
Site Address	1 MARCHANT MEWS, NEWINGTON, FOLKESTONE, CT18 8FD
Officer Name	Tom Bevan
Proposal	Works to trees in a conservation are comprising of T1 Horse chestnut reduce overhanging branches by approx. 3 metres. T2 Bay fell to ground level.

Recommendation

Report Number	RD-439758
Recommended Decision	Recommended to be No Objections
Recommendation Date	13 April 2026

Report

SITE VISIT

A site visit was undertaken on 16/03/2026.

The proposal was assessed from the from the rear garden of the property without any hindrance.

SITE DESCRIPTION

The site, 1 Marchant Mews, sits within the small leafy village of Newington and is on the northwestern boundary of the Newington-Next-Hythe conservation area.

Both trees are on the rear northern boundary of the private garden and are not readily visible to the public due to their restricted location. As a result, both trees have very little presence within the street scene or the historic character of the conservation area.

RELEVANT SITE HISTORY

There have been no historical tree applications associated with this address.

PROPOSAL

Works to trees in a conservation are comprising of T1 Horse chestnut reduce overhanging branches by approx. 3 metres. T2 Bay fell to ground level.

PUBLICITY

Neighbours notified by Site Notice. Expiry date: 03/04/26.

NEIGHBOUR REPRESENTATIONS

No representations were made.

CONSULTATION RESPONSES

No responses received.

RELEVANT POLICIES

National Planning Policy Framework (NPPF) 2024

Section 15: Conserving and enhancing the natural environment

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

Regulations

2012.

APPRAISAL

T1 is a small sized Bay tree of good quality and vitality which has been well maintained. The tree has no visual presence anywhere outside of the rear garden and offers no amenity value. Although the tree is of good quality it offers no contribution to the wider amenity of the area. The proposed will see the tree removed, however, there will be no impact on the landscape character of the area.

T2 is a large Horse chestnut of good quality and vitality. The tree is on the northern boundary line, however, is a third-party tree and not owned by the applicant. The tree overhangs the boundary line and may constitute towards becoming a nuisance. The proposed reduction of the overhanging branches is minor enough to not compromise the trees vitality and due to its limited visibility, should not impact the overall landscape character of the area.

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 conflict with objectives of the Duty.

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.

RECOMMENDATION

In light of the above, it is considered the proposal complies with policy and therefore no objections are raised.

Suggested Informatives (3)

1

This decision is valid for two years from the date of submission of your valid notification and the operation may only be carried out once unless otherwise stated. If you do not carry out the works within this period, you must submit a new notification if you wish to proceed.

2

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).

3

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.