



**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
12 NOVEMBER 2025**

<b>Application Number</b>	<b>TREE PRESERVATION ORDER (TPO) 05/25</b>
<b>Location</b>	Land Adjacent to 17 Brickwall Close – Burnham-on-Crouch
<b>Proposal</b>	Confirmation of TPO 05/25
<b>Applicant</b>	Mrs Dee Thornton
<b>Target Decision Date</b>	24 December 2025
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>BURNHAM ON CROUCH</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on confirmation of a Tree Preservation Order as per the Council's Scheme of Delegation.

**1. RECOMMENDATION**

**CONFIRM Tree Preservation Order (TPO) 05/25** without any modifications.

**2. SITE MAP**

Please see below.

**Tree Preservation Order**

**T1 – Stone Pine**

**Land Adjacent To 17 Brickwall Close  
Burnham On Crouch**

**TPO 05/25**



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 In May 2025 an email was received by the Council from a neighbour within Brickwall Close, requesting that the Stone Pine tree located within the land adjacent to No.17 Brickwall Close is protected by a Tree Preservation Order (TPO). The reason for the request was that there was a concern that the tree was going to be felled. As the tree is large and provides roosting and nesting for numerous birds, the requester considered it would warrant being protected.
- 3.1.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment, which is the nationally accepted system of scoring the amenity value of a tree, was carried out by the Council's Arboricultural Consultant. The TEMPO assessment scored the tree 15 out of 25 and concluded that a TPO was defensible on the tree. Therefore, a TPO was served as a provisional order on 24 June 2025, which must be confirmed within six months to become permanent and thus continue the tree's protection.
- 3.1.3 One letter of objection has been received from the owner of the land adjacent to 17 Brickwall Close
- 3.1.4 The objection remains unresolved; therefore, the question of whether or not to confirm the TPO has been brought before Members to determine.
- 3.1.5 For the purposes of the report going forwards, the tree (Stone Pine) subject to this report will be referred to as T1.

#### **3.2 The Site**

- 3.2.1 T1 (as identified in the TPO) is located on the northern side of Brickwall Close, within the settlement boundary of Burnham on Crouch. The application site itself is a piece of land adjacent to No.17 Brickwall Close, which is currently occupied by a detached garage building, T1 is located towards the rear of the application site.

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 Relevant Planning Guidance/Documents**

- National Planning Policy Guidance (NPPG).

#### **4.2 Other Relevant Guidance:**

- Wildlife & Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2017

#### **4.3 Government Guidelines:**

- 4.3.1 Government guidelines advise that the Local Planning Authority (LPA) is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.
- 4.3.2 If Members decide to confirm TPO 05/25, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. That the TPO is not within the powers of the Act, or
  2. That the requirements of the Act or Regulations have not been complied with in relation to the TPO.
- 4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

## **5. MAIN CONSIDERATIONS**

- 5.1 T1 is situated to the rear of the site and, due to its size and position, is visible from within the public realm of both Brickwall Close and Western Road and therefore provides high visual amenity.
- 5.2 NPPG states (Paragraph 10 reference ID: 36-010-21040306) *'It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'*
- 5.3 T1 is not located within a Conservation Area, and therefore does not have a fall back protection from any works being undertaken. An application was submitted in July 2025 to carry out a *'Crown reduction by 4m, specifically targeting an over-extended lateral limb that overhangs the adjacent public footpath. Removal of all deadwood'*. The application was subsequently refused as the *'The proposed works to the T1 (Stone Pine) tree have not been sufficiently justified and would not follow Arboricultural best practice in line with the recommendation of BS3998:2010 'Tree Works'*.
- 5.4 In the interest of protecting this prominent landscape feature and the amenity value of the tree within the locality, the T1 was assessed using the TEMPO which is designed as a guide to decision making and stands as a record that a systematic assessment has been undertaken. The TEMPO considers all of the relevant factors in the TPO decision making chain including amenity assessment, expediency assessment and decision guide. Within the assessment T1 scored 'good' for the suitability of a TPO for amenity due to its size and location which is visible within the public realm of Brickwall Close and Western Avenue. The assessment showed the tree to be in good condition. The expediency assessment reflected the immediate threat to the tree, that is could possibly be removed by the owners of the land. T1 scored an overall total 15 out of 25 which means that a TPO is defensible on the tree.
- 5.5 It is worth noting that the guidance provided alongside the TEMPO assessment acknowledged that the reason for serving the TPO can be quite minor (precautionary only).
- 5.6 It should be noted that the TPO would not prevent future works to the trees from being carried out, however it would control any such works to ensure that they were suitable, justified and did not harm the health of the trees or the amenity value they offer to the surrounding area.

## 6. **ANY RELEVANT SITE HISTORY**

- **25/00695/WTPO** - (TPO 05/25) T1 Stone Pine - Crown reduction by 4m, specifically targeting an over-extended lateral limb that overhangs the adjacent public footpath. Removal of all deadwood. – Refused 25.09.2025

## 7. **REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Interested Parties** (*summarised*)

- 7.1.1 One letter was received **objecting** to the TPO 05/25 and the reasons for objection are summarised as set out in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
<p>There are ongoing maintenance and safety concerns for the tree as it is a mature tree that has grown considerably in recent years. There are several branches which extend over the roofs of the neighbouring garages and pose a risk of structural damage or injury to anyone, particularly during storms or high winds.</p> <p>Advice was sought from a qualified tree surgeon confirming that the tree requires reduction to manage its size.</p>	<p>The serving of a TPO still allows for appropriate works to be applied for.</p>
<p>The tree has limited amenity value within its setting, it is set to the rear of the application site and is removed from any public vantage point.</p> <p>The tree is tucked away and is surrounded by residential properties.</p>	<p>The tree has amenity value within Brickwall Close and to the properties to the north located on Western Road. The tree can be seen from Western Road, albeit between properties but due to its size, it is visible.</p>
<p>In 2024, neighbouring residents removed substantial portions of the trees without permission or prior notification, this would suggest that it is a nuisance or potential to hazard.</p>	<p>The tree is not located within a designated Conservation Area and has not previously been protected by way of a TPO. Therefore, if parts of the tree overhang their boundaries due to a lack of maintenance then these works would not have been required to seek permission from the Council.</p>
<p>The proposed TPO does not reflect the realities of the site and the risk posed. Due to the size of the tree and the overhanging branches, imposes the TPO introduces significant delays and complications to the maintenance worked deemed necessary by the tree surgeon when the tree was assessed.</p>	<p>The tree has been assessed by the Council's arboriculture consultants at Place Services who have deemed the tree worthy of a TPO, a visit to the site has been undertaken a number of times and the location and size of the tree is reflected in the photographs below.</p> <p>Furthermore, as noted above the serving of a TPO does not prevent appropriate works being submitted as part of a tree works application and would allow for any works necessary to</p>

Objection Comment	Officer Response
	<p>be undertaken to overcome any safety concerns.</p> <p>Also, if the tree were to become dangerous, a 5-day notice for dead &amp; dangerous trees can be submitted and reviewed which would allow for essential works to be carried out to mitigate any danger to property or persons.</p>

## 8. **CONCLUSION**

- 8.1 T1, subject of the TPO, makes a contribution to the character and appearance of the surrounding area due to its size and location. Given that the TEMPO assessment scored 15 for the tree, which is defensible in the merits of serving a TPO, it is considered that the TPO should be confirmed to prevent the felling of the tree or inappropriate works being carried out which could harm the amenity value and overall health of the tree.

### Photographs of the Stone Pine Tree (T1)

From Brickwall Close





From Brickwall Close (continued)



From Western Avenue



From Western Avenue (continued)

