

OUR REF: TPO415
ASK FOR: Mrs Monaghan
DATE: 17 May 2022
YOUR REF:
TELEPHONE:



Mr J De Bruxelles
Kilbarry
Crowhurst Road
Crowhurst, Battle
East Sussex TN33 9A East Sussex

Local Authority Legal Services for
Wealden and Rother District
Councils

Please reply to:
Town Hall, Bexhill-on-Sea
East Sussex, TN39 3JX

Dear Sir/Madam

**TOWN & COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS
2012
THE DISTRICT OF ROTHER (LAND KILBARRY, CROWHURST ROAD, CROWHURST-
TPO415) TREE PRESERVATION ORDER 2021**

By its delegated powers the Planning Committee of Rother District Council on 15th November 2021 made the above Tree Preservation Order and sent you a copy.

We have considered whether or not the Order should be confirmed (or, in other words, made permanent) and on 13th May 2022 the Council decided to confirm the Order.

Site:

Kilbarry lies at the junction of Crowhurst Road and Woodland Way. It is a detached property with paddocks to the rear. The site lies just outside to the south of the High Weald AONB but does lie within the Combe Valley Countryside Park and strategic gap as defined within the Development and Site Allocations Local Plan. The trees are on the western boundary of the paddocks to the rear of Kilbarry and along the boundary with the adjacent property known as Oakleigh.

Reason for the TPO and amenity value:



Site clearance and earthmoving works near to the trees caused a TPO to be served. Following further consideration of the trees on site it has thus been deemed appropriate to slightly modify the TPO. Rather than a continuous area TPO it is now proposed to have a smaller area and then three single specific trees TPO'd to make the Order more specific and exclude any hedgerow trees that are not deemed worthy of TPO.

The trees are a prominent feature in the landscape visible from Crowhurst Road, Sandrock Hill, Crowhurst Recreation Ground and public footpath 16a (1066 Country Walk).

Conclusion:

It is considered that the TPO should be modified to ensure longevity and maintain the high amenity value and the contribution that the trees make to the character and appearance of the area and wider landscape. The TPO is in respect of T1 – Oak, T2 – Hornbeam, T3 – Oak and A1 – mixed native trees consisting mainly of Oak, Hornbeam & Hazel, on land at Kilbarry, Crowhurst Road, Crowhurst. The site is within the parish of Crowhurst, in the district of Rother.

For more information about our decision, please contact Mrs Shepherd, The Planning Department, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX.

If you disagree with our decision you can challenge it by applying to the High Court under Sections 284 and 288 of the Town and Country Planning Act 1990. You can apply to the High Court if you believe:

- (1) the Order is not within the powers of the Town and Country Planning Act 1990, or
- (2) the requirements of the 1990 Act or Town and Country Planning (Tree Preservation)(England) Regulations 2012 have not been met.

You must apply to the High Court within six weeks from the date of our decision.

Yours faithfully

Mrs H Monaghan
Principal Planning Lawyer
Legal Services for Wealden & Rother District Councils

Town and Country Planning Act 1990

**The Rother District Council (Land at Kilbarry, Crowhurst Road, Crowhurst–
TPO415) Tree Preservation Order 2021**

The Rother District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order

Citation

1. This Order may be cited as the **The Rother District Council (Land at Kilbarry, Crowhurst Road, Crowhurst– TPO415) Tree Preservation Order 2021**

Interpretation

2. (1) In this Order “the authority” means the Rother District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

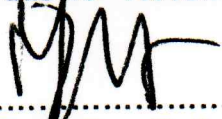
Effect


3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

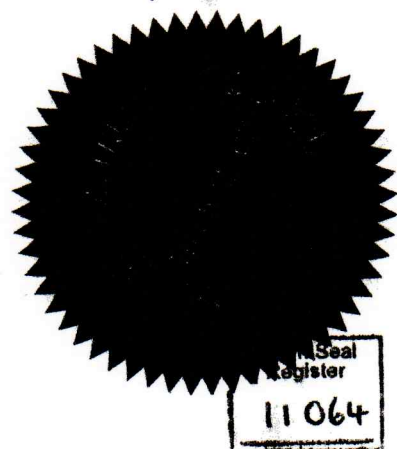
Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted. -

Dated this 15th November 2021


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Chief Executive, Rother District Council


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Member of the Rother District Council



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