

OUR REF: KEN/9/5/346
ASK FOR: Mrs Newton
DATE: 31 January 2018
YOUR 01424 787843
REF:



District Council
**Local Authority Legal Services for
Wealden and Rother District Councils**

Mr K Robertson
Clerk to Crowhurst Parish Council
The Lupins
The Green
Catsfield
East Sussex TN33 9DJ

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

Dear Sir

**TOWN & COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
THE DISTRICT OF ROTHER (LAND ADJACENT TO SABON GARI, CROWHURST ROAD,
CROWHURST – TPO380) TREE PRESERVATION ORDER 2018**

By its delegated powers the Planning Committee of Rother District Council on 15 August 2017 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). No objections made received regarding the Order and on 30 January 2018 the Council decided to confirm the Order with a modified pan, which cover a lesser amount of land.

Two planning applications have been refused to build two dwellings on the site and one on the grounds that the development would result in the loss of several established trees and woodland, w2hich would in turn have a harmful impact upon the rural character of the street scene and the landscape quality of the High Weald AONB. As such a provisional Tree Protection Order (TPO) was made which covered the whole site, to ensure the trees were retained.

In the latest planning report considered by the Planning it was stated that: the frontage vegetation in particular, is an important feature of the semi-rural lane, and should be retained. Other trees were to be removed to facilitate the development; these trees were to be removed to facilitate the development; these trees are contained within the site and are not considered to be of sufficient amenity value to warrant a refusal on the grounds of retention. Trees not directly impacted by the development itself would remain protected.

Currently a new planning application is under consideration which takes account of the trees on the site. The trees along the frontage are better specimens and in view of the comments above regarding the trees further into the sire it would be reasonable to reflect this in the coverage of the TPO. As such the TPO could be modified so that the whole site is not the subject of woodland TPO and the most important trees are protected along the frontage of the site.

No objections have been received to the provisional TPO. The modified order protects a lesser amount of land protecting the woodland area at the front of the site only comprising: all trees of whatever species mainly broadleaf.

For more information about our decision, please contact Miss Ingram, The Planning Department, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX tel. 01424 787631.

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 (Trees) Regulations 1999 have not been met.

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

Yours faithfully



Mrs K Newton | Legal Officer,
Legal Services for Wealden & Rother District Councils

Town and Country Planning Act 1990

The Rother District Council (Land adjacent to Sabon Gari, Crowhurst Road, Crowhurst – TPO380) Tree Preservation Order 2017

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 **Rother District Council (Land adjacent to Sabon Gari, Crowhurst Road, Crowhurst – TPO380) Tree Preservation Order 2017.**

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 day of August 2017


.....
Executive Director, Rother District Council


.....
Member of the Rother District Council

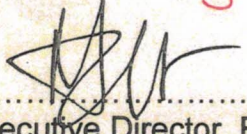


CONFIRMATION OF ORDER

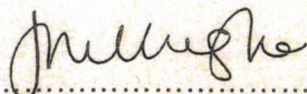
~~This Order was confirmed by Rother District Council without modification on the day of~~

OR

This Order was confirmed by the Rother District Council, subject to the modifications indicated - *by substitution of the Plan.*

by  on the *30th* day of *January*

.....
Executive Director, Rother District Council



.....
Member of the Rother District Council

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Rother District Council on the day of

.....
Executive Director, Rother District Council

.....
Member of the Rother District Council

VARIATION OF ORDER

This Order was varied by the Rother District Council on the day of
by a variation order under reference number
a copy of which is attached

.....
Executive Director, Rother District Council

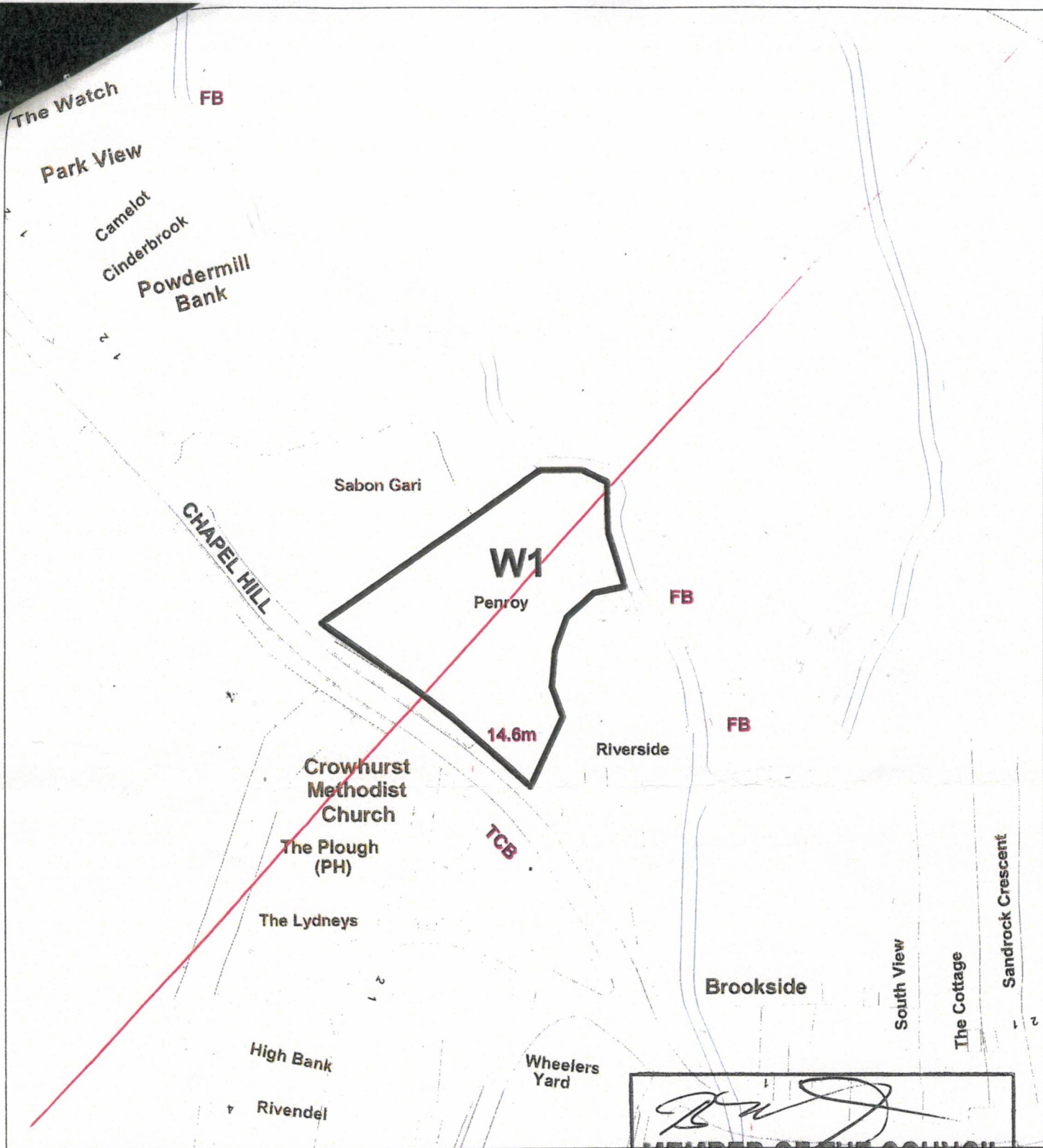
.....
Member of the Rother District Council

REVOCATION OF ORDER

This Order was revoked by the Rother District Council on the day of

.....
Executive Director, Rother District Council

.....
Member of the Rother District Council



Rother District Council Planning Division

Town Hall, Bexhill-on-Sea TEL: 01424-787631

Sabon Gari - Land adj,
Crowhurst Road,
Crowhurst

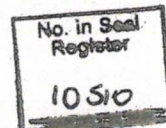
[Signature]
MEMBER OF THE COUNCIL
[Signature]
EXECUTIVE DIRECTOR

File: TPO 380

Scale: 1:1250

Grid Reference: TQ7511NE

Date: 15/08/2017



Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Trees specified by reference to an area (within a dotted black line on the map)

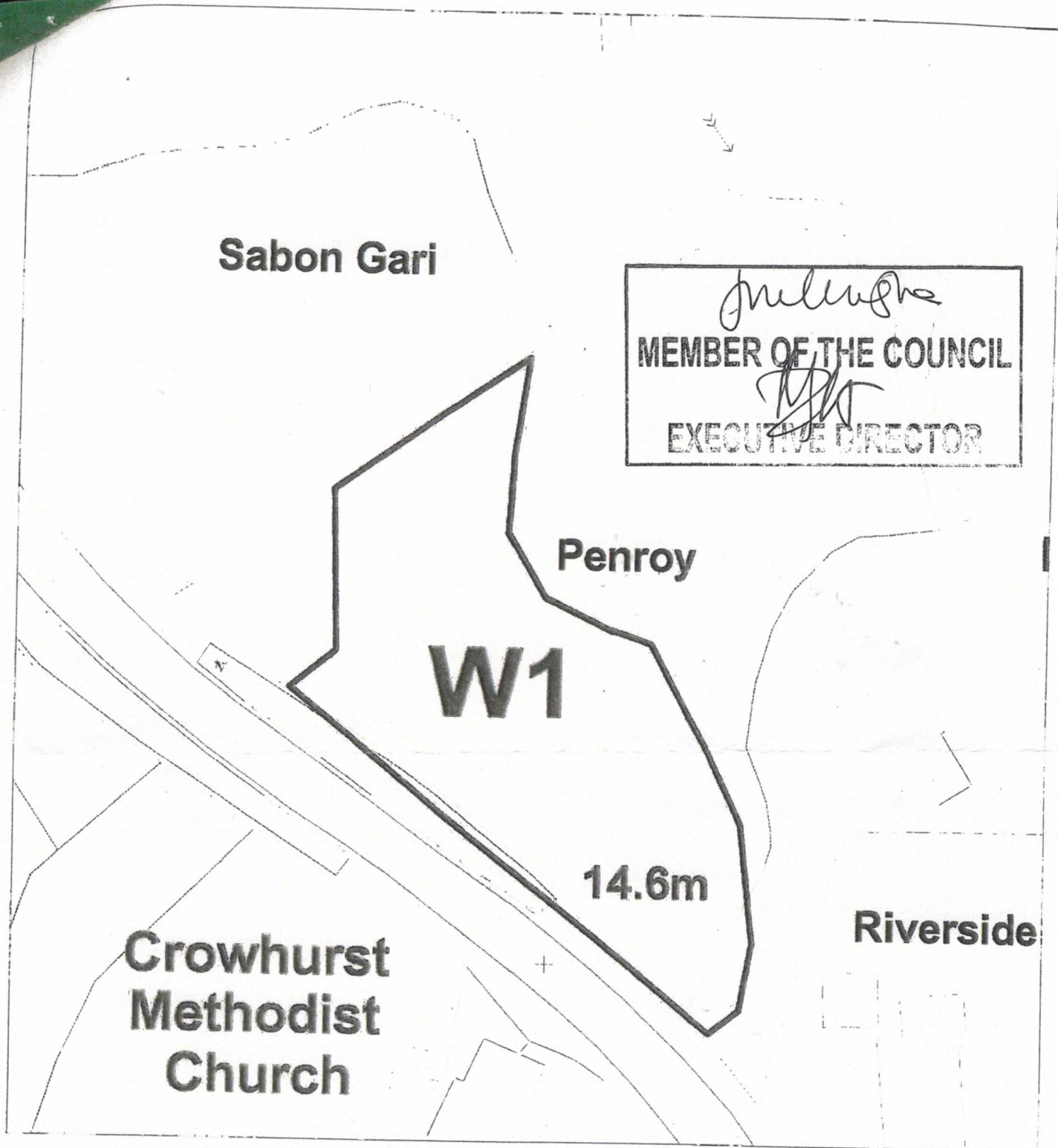
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
	None	

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W.1.	All trees of whatever species mainly broadleaf	Land adjacent to Sabon Gari, north of Crowhurst Rad within the village and parish of Crowhurst, the District of Rother



Rother District Council Planning Division

Town Hall, Bexhill-on-Sea TEL: 01424-787631

Sabon Gari, Land adj.

Crowhurst Road,

Crowhurst

File: TPO 380

Scale: 1:500

Grid Reference: TQ7511NE

Date: 29/01/2018

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