Location: Crouchgreen wood and Church wood, Three Houses Lane, Codicote

Proposal: Tree Preservation Order

Ref no: TPO00221 (2025)

Officer: Tom Rea

1.0 Proposal

1.1 Confirmation of Tree Preservation Order TPO/00221 (2025) – W1 & W2 – comprising trees of various species.

2.0 Site History

2.1 In accordance with The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012, North Hertfordshire Council served a provisional Tree Preservation Order under TPO/0214 (2025) dated 16th October 2024. However, the Tree Preservation Order was not formally confirmed hence the need to revisit this which resulted in the serving of provisional Tree Preservation Order TPO/00221 (2025) dated 10th June 2025 which provides for a period of 6 months (up to 10th January 2026) for the Local Planning Authority to confirm the Order.

2.2 Prior to the serving of the current provisional Tree Preservation Order an application for planning permission was submitted under ref: 24/02343/FP for the following works :

'Change of use of existing site from agricultural to use Class B8 (Storage and Distribution). Extensions and alterations to existing barns; erection of detached temporary structure of three years and supporting substation and concrete base. Installation of hardstanding for outside storage and parking and installation of electric front entrance gates. Drainage pond and associated outfall pipe, alterations to surface access track (Development has commenced).'

This application was refused permission by the LPA on 10th March 2025. A subsequent appeal was withdrawn on 3rd September 2025.

2.3 Planning application ref: 24/01042/FP for the Change of use of land to equestrian and erection of stables and covered ménage was submitted on 24th April 2025 and refused by the LPA on 5th September 2025. The access to this development site involves land within Church Wood.

3.0 **Representations**

3.1 A period of 28 days from the date of service of a provisional Tree Preservation Order provides for comments to be made. In this case, one objection has been received by Warner Planning on behalf of the owners of the woodland and raises the following concerns:

- TPO/00221 (2025) does not meet the national tests for designation as the woodland offers limited public benefit due to its private, screened setting
- Applying a blanket woodland TPO is premature and disproportionate especially in the absence of any evidence of imminent threat or intent to remove trees.
- Responsible woodland management practices such a selective thinning and coppicing would become unnecessarily encumbered by TPO controls
- Request that the TPO is withdrawn and the LPA engage with the owners on a Woodland Management Plan

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site lies on the south side of Three Houses Lane north west of the former Node Conference Centre. The site is within the Green Belt and is listed as a Local Wildlife Site by Hertfordshire County Council Environmental Records Centre. A Site of Special Scientific Interest (SSSI) lies to the north east.

Winter Wood on the north side of Three Houses Lane is partly covered by TPO 068 and is considered to be ancient woodland comprising a mixture of oak and hornbeam.

4.2 **Key Issues**

4.2.1 When considering whether to confirm the TPO, it is essential that certain matters are considered, these are: any impact on the local environment in terms of loss of amenity if the trees were to be removed; any benefit in their retention for the present and the future and other relevant factors such as flora and fauna.

4.3 **Consideration**

4.3.1 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Trees Action Plan 2021-2024; Tree Preservation Orders and Trees in Conservation Areas 2014 and the North Hertfordshire Council Tree Strategy 2017 and Climate Change Strategy 2020-2025. In addition to these, Section 14 (Meeting the challenge of climate change, flooding and coastal damage) of the NPPF (2024) and Policies SP12 – Green Infrastructure, biodiversity and landscape and NE1 – Landscape of the North Hertfordshire Council Local Plan 2011-2035, all of which seek to support the contribution trees make to the natural environment.

4.3.2 During consideration of the above noted planning applications The Local Authority has been alerted to significant tree removal and earth moving works, provision of new hardstanding and new buildings / structures, excavation of trenches to provide drainage and utilities connections and clearance of woodland flora included protected wild bluebells. New perimeter fencing and non-native species have been planted within and around the woodlands.

4.3.3 Representations have been received from CPRE Hertfordshire, Natural England and The Woodland Trust all being concerned at the adverse impact of works that have already taken place on the Local Wildlife site and Priority Habitat, including a potential, presently unmapped, Ancient Woodland, particularly given the important role these sites and habitats play in supporting the functioning and resilience of the wider ecological network

4.3.4 Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreational and cultural value, historical and archaeological significance, and the contribution it makes to the country's diverse landscapes. It is a scarce and threatened resource, covering only 2.5% of England's land area, and has a high level of protection in planning policy.

4.3.5 Natural England and the Forestry Commission define ancient woodland as follows:

"Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:- • Ancient semi-natural woodland [ASNW] - mainly made up of trees and shrubs native to the site, usually arising from natural regeneration. • Plantations on ancient woodland sites [PAWS] - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"

4.3.6 In providing comments on the above planning applications The Woodland Trust (WT) advise that ancient woodland is characterised by a unique, complex and irreplaceable ecosystem of plants and animals, both above ground and in the soils. It is therefore impossible to recreate the ecosystem of an ancient woodland by planting new woodland. The WT advise that Ancient woodland is an irreplaceable habitat and as such, it should be protected from any form of development that will result in its loss or deterioration.

4.3.7 Whist it is understood that the business use of the site is being relocated elsewhere the future of the site including the woodlands is uncertain. Officers assessment is that in view of the high ecological status of the site together with the scale of unauthorised works and damage that has already been caused to the woodlands it is imperative that the woodlands are given protection through the proposed woodland TPO.

4.3.8 In terms of the objection received, it is contended that the woodlands do have public amenity value. They are located alongside a rural lane maintained by Hertfordshire County Council which is used by walkers, cyclists and horse riders. The recent works within the woodlands reported by many members of the public point to the woodlands being under threat from further damaging activity. There has been no responsible management of the woodland since being acquired by the current

owners rather the opposite and as such a woodland TPO is the only option for the LPA at this point in time.

4.3.9 The confirmation of the provisional Tree Preservation Order would not mean that the owner/occupiers of the site would not be able to undertake works to the trees. However, an application for 'Works to tree covered by a Tree Preservation Order' would need to be submitted to and approved by the Local Planning Authority prior to undertaking such works. There is no local authority fee payable to submit an application to undertake works though there may be times when an application would need to be accompanied by an arboricultural assessment which would incur a fee in its own right. Given the position of the woodlands relative to the few nearby properties it is unlikely that the proposed Tree Preservation Order would impact to any significant degree on the residential amenity enjoyed by nearby residents.

4.3.10 Given the public amenity and ecological value the woodlands provide, a Tree Preservation Order is the most appropriate way to afford the trees a level of protection.

5.0 **Environmental Implications**

5.1 Trees contribute a key role in helping to tackle the climate emergency and creating a greener district. They not only directly remove carbon dioxide from the atmosphere and provide us with oxygen but also deliver many other benefits including: providing visual public amenity; softening or complementing the effect of the built environment; displaying seasonal changes and providing opportunities for biodiversity; making places more comfortable in noticeable ways by contributing to screening and shade; reducing wind speed and turbulence; reduce flooding by intercepting snow and rainfall and reducing sun glare.

5.2 Trees are also a key element of the green infrastructure network and represent a key resource that can significantly contribute to climate change adaptation.

6.0 **Legal Implications**

6.1 There are no financial implications for the council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to a protected tree and where that application is refused.

7.0 **Human Rights Act Implications**

7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions, but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees) and subject to the conditions provided for by The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and by the general principles of international law.

8.0 **Alternative Options**

8.1 None.

9.0 **Conclusion**

9.1 Whilst there has been some removal of trees within the woodlands, they still provide a valuable contribution to the character and appearance of the area and contribute to the setting and ecological importance of the Local Wildlife site. The loss of the woodlands would also be considered to have an adverse impact on local residents experience and enjoyment of the area.

9.2 Over time, given the condition of many of the trees there will be losses, however, a Tree Preservation Order would ensure native mixed replacement species are re-planted which would, over the longer term, not only strengthen, but would improve the quality of the woodlands and ensure their retention for future generations.

9.3 Should members decide not to confirm the provisional Tree Preservation Order, no protection would be afforded to the trees within both woods which could result in the loss of trees at any point in time.

9.4 In view of the importance of the woodland trees, it would be appropriate, in my view, to confirm provisional TPO/00221 (2025) dated 10th June 2025.

10.0 **Recommendation**

10.1 That the provisional Tree Preservation Order (TPO/00221) is **CONFIRMED**