

Location: Land At Colemans Road, Breachwood Green, SG4 8PA

Proposal: Tree Preservation Order

Ref no: TPO/00228 (2026)

Officer: Francis Mabbett

1.0 Proposal

1.1 Tree Preservation Order TPO/00228 (2026) - T1 Oak , T2 Yew of Land at Colemans Road, Breachwood Green, Hertfordshire, SG4 8PA

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 dated 12 February 2026 in respect of the above which provides for a period of 6 months for the Local Planning Authority to confirm the Order.

2.2 25/02835/PRE2 validated 11.11.2025 - Follow up pre-app advice in relation to 25/00706/PRE - Development of the site to provide 2.no residential dwellings.

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 letter of objection has been received, raising the following concerns:

- Tree Preservation Order does not meet the required tests of expediency or necessity.
- The trees are already being properly maintained, there is no identifiable threat to amenity, no intention of removing them.
- The application appears to arise from a private dispute rather than the public interest.
- The TPO would impose unnecessary administrative constraints, this could hinder, rather than support, good arboricultural practice.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Land at Colemans Road, Breachwood Green, Hertfordshire, SG4 8PA consists of a corner plot bordered by Coleman Road on the western and southern boundary, with the property "Woodruff" to the East and a manège on the northern boundary. The site is overlooked by properties along Colemans Road and both trees are highly visible to passers-by using the road. T1 Oak is a young tree with good form and T2 Yew is in a prominent position in the corner of the plot marking a bend in the road.

4.2 Key Issues

4.2.1 When considering whether to confirm the TPO, it is essential that the following points be considered:

- The tree(s) or woodland amenity value.
- The impact removal would have on the local environment and its enjoyment by the public.
- That protection would bring a reasonable degree of public benefit in the present or future.
- It is expedient to make and order.
- Other relevant factors such as wildlife, conservation and climate change however these alone would not warrant making an Order.

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; The Town and Country Planning Act 1990 (as amended) 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 and Policies SP12 – Green Infrastructure, biodiversity and landscape and NE1 – Landscape, all seek to support the contribution trees make to the natural environment.

4.3.2 Prior to the making of the provisional TPO, a visual assessment of the trees was undertaken by the council's Tree Officer. The trees were assessed for TPO worthiness using TEMPO [Tree Evaluation Method for Preservation Orders – Julian Forbes-Laird] a defensible system used by many Local Authorities. TEMPO is a useful tool which when applied fairly provides a measurable assessment of amenity value and condition of trees. If applied fairly and consistently it will support the serving of a TPO, or the decision to not serve a TPO. Trees were assessed appropriately either individually or collectively as a group.

- 4.3.3 The TEMPO assessment scored both trees highly and within the bounds of the “Definitely merits a TPO” category. They are considered to make a significant contribution to amenity of area presently and in the long-term. The retention of these trees and their subsequent protection by means of a Tree Protection Order being placed on them was expedient with the submission of pre-application enquiries and concerns for the trees’ loss prior, during or post development if a planning application was to be made. This TPO was based on the merits of amenity value, the current/future visibility, the useful life expectancy and the high public benefit provided by the trees.
- 4.3.4 In terms of the objections received, it was stated there was no intention to remove the trees. The arboricultural report submitted with the objection confirms this; however, these trees are not within a Conservation Area, therefore they have no statutory protection and are currently open to being removed. In the instance of a full planning application being approved the trees would only be afforded protection by an appropriately worded condition that would have no permanence.
- 4.3.5 It is stated there was no immediate threat to the trees and although this is agreed, the future potential threat is foreseeable, with the proximity of the trees to a potential new development on the site and their inevitable increase in size. This will undoubtedly apply future pressures to prune or remove the trees and if the property were to change hands, any new owners/occupiers could potentially have a negative opinion of the trees.
- 4.3.6 The issues of a personal dispute were not disclosed prior to making of the TPO and had no bearing on and are not material to the assessment or decision to serve the TPO.
- 4.3.7 A TPO would not make administrative constraints that could hinder, rather than support, good arboricultural practice and this is an unjustifiable reason to not confirm a TPO. If administration was a reason not to confirm a TPO then no TPO would ever be served. The purpose of a TPO is contrary to this, as it often means tree owners will seek arboricultural advice in order to make an application and it allows the LPA to ensure tree works are carried out in accordance with good arboricultural practice. Professional arboriculturists are aware of the constraints of a TPO and respect they are a valued asset to preserving high amenity trees. When carrying out work to protected trees, the process of making a tree works application is normal practice within the industry. There is also currently no financial cost attached by the government to making a tree works application.

5.0 Human Rights Act Implications

- 5.1 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.

6.0 Alternative Options

- 6.1 If the Provisional Tree Preservation Order (TPO/00228) is not confirmed then the trees would be controlled by the conditions attached to the temporary order until the 6 months expires, after which time they would be at risk of removal without constraint.

7.0 Conclusion

- 7.1 The Government Guidance for Tree Preservation Orders and trees in Conservation Areas states;

“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

The trees of TPO/00228 (2026) provide vital amenity and environmental/public benefits to the current and future residents of the surrounding area. Existing mature canopy cover is vitally important at this time of climate crisis. Both trees are estimated to have substantial life expectancy and so should make a vital amenity contribution for considerable time to come. Although the trees may not be under immediate threat, they may be in the future, with the proximity of a proposed new development, the future increase in tree sizes and the potential for future change in ownership, that there will be increased pressure to prune or remove them.

- 7.2 Should the TPO be confirmed, it does not result in the inability to maintain the trees or remove trees whose retention can no longer be justified. Instead, it requires the submission of a tree works application to the Local Planning Authority who will consider the impacts to the trees and any evidence submitted to justify the works. It also ensures replacement trees can be conditioned where appropriate and quality trees are not lost to new development after conditions have lapsed.

8.0 Recommendation

- 8.1 The provisional Tree Preservation Order TPO/00228 (2026) be **CONFIRMED**.