

From: [Steve Massey](#)
To: [Reuben Berriman](#)
Cc: [Planning Comments \(SMDC\)](#)
Subject: SMD/2025/0145 - Land adjacent to Coppice Barn, Hollow Lane, CheddletonReuben
Date: 24 June 2025 11:33:24
Attachments: [image001.png](#)

Reuben,

I have the following comments on this application which seeks full planning permission for the erection of a detached dwelling on the site along with access and landscaping etc.

Summary: objection, in particular due to significant shading and overbearing effects of trees creating a poor quality living environment for occupants with anticipated pressure for felling or substantial crown reduction, together with severe constraints during construction phase and risk of damage arising from associated access and activities and lack of confidence that tree protection conditions could or would be fully implemented in practice. On overall balance, the various tree-related issues combine to produce a site which is considered inappropriate for residential development. However, tree protection conditions would be required in the event that planning permission is granted.

Detail:

The site lies fully within the Cheddleton Conservation Area, and furthermore lies fully within the extent of Area A1 protected under Tree Preservation Order (TPO) No. SM.38. There are some 12 well-established trees (all protected within Area A1) within the application site curtilage, some of these being of very large/mature size. There are also further trees on adjacent land to the north and east which in part exert some influence over the application site, some of these are also protected within Area A1 and all are also in the Conservation Area. Collectively, these trees are of significant amenity value and make a notable contribution to the character of this part of the Conservation Area.

An arboricultural report in accordance with British Standard 5837:2012 is submitted with the application.

Dwelling

The proposed dwelling itself would in practice directly require the removal of 1 tree (denoted T10 in the arb report, an Alder) – whilst its stem position is not quite within the proposed dwelling footprint, it is so close (c.1.5m) that there would be substantial damage to a major part of the root system and the subsequent dwelling/tree canopy relationship would not be viable even if the tree somehow survived. That said, T10 is a medium sized tree which is of little individual significance – it is completely screened from Fold Lane running past the site frontage (route of Public Footpath No. IR/2465 Cheddleton Parish along the western boundary of the site), and briefly in view really only for a couple of metres through/over a metal pedestrian gate in a gap between a wall and a hedge when walking along Public Footpath IR/2575 behind Fold Terrace beyond the southern boundary of the site. The loss of T10 in itself would not be of great

detriment to public amenity or to the character of the Conservation Area.

The application also proposes the removal of trees T8, a Birch, and T9, a Cherry – as denoted in the arb report. The Cherry T9 is in poor and declining condition and arguably of little or no amenity value irrespective of any development proposals – again it is not a large tree, and most of its crown shows extensive dieback, and there could be no objection to the loss of this tree (with suitable replacement) – either simply for arboricultural management reasons or in association with a proposed development. The removal of T9 is not directly required to accommodate the current application proposals, but this tree is anyway in terminal decline and has no viable future.

The Birch T8 shows some early signs of decline, with some slight crown thinning/sparse foliage evident, but it still provides some amenity to the site and at this stage there is no overriding need to remove the tree, and again its removal would not be required in order to accommodate the proposed development. The edge of the indicated paved patio area to the north side of the dwelling would fractionally encroach within the Root Protection Area (RPA) of T8 but this could be laid without significant harm (indeed appropriate use of a Cellweb support system for the paving is already indicated).

Although trees T8 and T9 similarly have little wider public amenity value, again only really being in view from the same short stretch of Public Footpath IR/2575, it is considered that T8 should be retained in the event that planning permission is granted.

The removal of T10 would be authorised by virtue of full planning permission, if granted, and in this event no separate application under the TPO would be required. Removal of T9 would not be directly required to implement the development, if approved, and therefore such a planning permission would not authorise the removal of this tree and a separate application and grant of consent would first be required under the TPO.

On balance the loss of T9 (for genuine arboricultural management reasons) and T10 in order to accommodate the proposed development would not be significantly detrimental to public amenity value or to the character of the Conservation Area, and would not in itself be considered solely sufficient to refuse planning permission.

Utilities/Services

The application includes no details of utility services; given the extensive protected tree-related constraints across much of the application site it is suggested that granting planning permission could be premature in the absence of details demonstrating that utilities and services could be acceptably provided in the context of their potential impact on trees.

Access and Parking

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The majority of the proposed vehicle access drive/parking/turning area and the pedestrian path to the dwelling would be located within tree RPAs – in particular those of the highly significant trees nearer the Fold Lane frontage. To reflect this, the application details state that the vehicle

access drive and parking/turning area would be installed to a no-dig cellular confinement (eg Cellweb) load support specification prior to all other construction commencing, and with temporary ground protection boarding along the route of the pedestrian path to the dwelling initially to be used during construction and subsequently finished with a Cellweb system. In theory, such measures could be conditioned, although their success depends on full and timely compliance by developers which, experience shows, cannot often be relied on and whilst enforcement procedures are available in response to any non-compliance, by the time enforcement measures are found to be necessary, are taken and come into effect, irreparable harm to trees is already likely to have occurred.

Incidentally the proposed temporary ground protection specification set out on the arb report tree protection plan is appropriate for pedestrian use only, and would not be suitable for plant/vehicles to gain access to the proposed dwelling footprint area of the site (eg excavator, dumper, telescopic handler etc which may be assumed to be necessary) and the ground protection measures would therefore need upgrading for any such use.

The default starting position of BS 5837 guidance is that all structures (including buildings, hard surfacing and services) should be located outside RPAs, but goes on to advise that where there is overriding justification for construction encroachment within RPAs technical solutions might be available that prevent damage to trees (my emphasis in both instances). Whilst if planning permission is granted, access and parking provision within RPAs would be unavoidable, there would be very little if any public benefit arising from the proposed development and it is therefore arguable whether there would be “overriding justification” in the case of the current application for a development which includes of necessity construction within protected tree RPAs, and given the potential risk of failure to comply in full with tree protection conditions, it is also arguable whether the proposed technical solutions would prove effective.

Construction Phase

A further concern about the construction phase (rather than the proposed end result) is that again given the extensive tree constraints across the site, once the tree protection areas, narrow on-site access strip and the dwelling footprint are taken into account there would be very little area available outside RPAs for delivery and storage of materials, construction access, construction plant, contractors’ vehicles, welfare facilities and general working space etc. There is not even any available highway/highway verge to “spill over onto” as often happens in practice. Although such logistical constraints and issues are arguably “the developer’s problem”, granting planning permission on a site so tightly constrained might in practice prove impossible to reasonably implement in full accordance with appropriate tree protection measures even though conditioned.

Occupants’ Quality of Living Environment

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Most of the site would be heavily shaded for the large majority of the day when the trees are in leaf (but noting that off-site tall trees to the east are evergreen and so would provide year-round shade in the mornings over the only relatively tree-free part of the site, around the dwelling), with the immediate surroundings of the dwelling further shaded by the building itself. The

outlook from the 2 principal elevations (north and west) of the dwelling would be restricted and heavily shade-affected; due to the dwelling position and internal layout there would be no useful outlook from the east and south elevations. Most of the garden area would be heavily shaded all day under the continuous tree canopy, leading to significant restrictions in “normal” garden use eg growing plants, sitting out, outdoor eating, drying washing etc. These notable shading issues, combined with general overbearing impact on outlook and possibly also worries over tree safety, would create a poor living environment for occupants. This in turn would be likely to lead to increased pressure for felling or significant crown reduction of trees, and although they are protected with work normally subject to planning authority approval, we would potentially find it more difficult to discourage, refuse and defend such tree work applications if we have granted planning permission for a development anticipated to create poor living conditions and increased pressure for detrimental tree work proposals.

It is noted that issues of shading and overbearing effects of trees, quality of living environment and limitations on normal domestic/residential enjoyment are not addressed in the design and access statement nor the arboricultural report.

Conclusion

On balance, the significant tree-related constraints – both during the construction phase with risk of harm to trees, and in particular post-development affecting the character of the site and producing a poor quality of living environment for occupants with anticipated on-going pressure for tree felling or reduction, suggest that this is not an appropriate site for residential development. Notwithstanding this, please let me know if you are minded to recommend approval, as in that eventuality various detailed tree protection conditions would be of critical importance – as would their full and timely implementation.

Steve Massey Arboricultural Officer
Development Services
High Peak Borough Council and Staffordshire Moorlands District Council

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