

**clerk@ashwell.gov.uk**

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**From:** Anne McDonald <Anne.McDonald@north-herts.gov.uk>  
**Sent:** 26 February 2024 17:21  
**To:** clerk@ashwell.gov.uk  
**Cc:** Cllr Tom Tyson  
**Subject:** RE: Claybush Hill Meadow 16/01797/1 -concerns re tree works

Dear Jane

Thank you for your email. I note its content and the concern of the PC about the trees. Condition 6 imposed on the decision notice states:

*6. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.*

*Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.*

The trees on site are therefore protected by the condition, although as conditions are only enforceable for a period of 10 years, after this time it is not possible to enforce against this condition. From looking at the plans and the photo sent in, it would appear that some of the trees which have been removed rear of plot 4 (if this is the right plot) are inside the garden area of plot 4 and some rear of the fence and thus outside of the garden area of plot 4 and the original application site area and therefore are not covered / protected by condition 6. If the owner of plot 4 has removed trees not within their land and ownership, then this is civil matter between the owner of the land / trees and the owner of the house who undertook the works.

The trees are not protected by either a TPO or Conservation Area status and are only protected by condition 6. The site can be assessed to see if it would be appropriate to serve a TPO to ensure the trees, if any are worthy of TPO status, are protected in the longer term. However, no action can be taken against trees that have already been felled.

I am sorry that I cannot be more positive at this time.

Many thanks  
Regards



**North  
Herts**  
Council

**Anne McDonald**  
Development Management Team Leader



[www.north-herts.gov.uk](http://www.north-herts.gov.uk)

Please note my working days are Mondays - Thursdays

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**From:** clerk@ashwell.gov.uk <clerk@ashwell.gov.uk>  
**Sent:** Wednesday, February 21, 2024 11:19 AM  
**To:** Anne McDonald <Anne.McDonald@north-herts.gov.uk>

Cc: Cllr Tom Tyson <Tom.Tyson@north-herts.gov.uk>  
Subject: Claybush Hill Meadow 16/01797/1 -concerns re tree works

Anne  
Concerns have been raised by local residents in relation to tree works undertaken at Claybush Hill Meadow.



This was discussed at the February meeting of the Parish Council.  
Minute February council 109.4 *It was noted that this was contrary to a planning condition. A proposal was made that NHC be requested to enforce this.*

You will recall the concerns raised by the Parish Council and others during the planning process and the requirement for the trees screening the development to be retained.  
Please see attached relevant documents from the planning application.  
At present only one section of the screening trees has been removed but there is obviously a fear that others may take similar action.

I would be grateful if you could let the Parish Council know what enforcement action is to be taken

- (i) in relation to the works that have already been carried out and
- (ii) to prevent any other works to remove the tree screening.

Regards  
Jane

Jane Porter, Acting Clerk, on behalf of  
Ashwell Parish Council