

**REPORT ON OBJECTION TO TPO 107/2025 FLATS 1-11 LONDON HOUSE, MATLOCK STREET, BAKEWELL DE45 1EE - AND PROPOSAL TO CONFIRM**

**Proposal**

1. To confirm TPO 107/2025 without modification.

**Tree identification, Site and Surroundings**

2. TPO 107/2025 protects a single tree T1 which is a Hornbeam (*Carpinus betulus*).
3. Tree T1 is within the central built area of Bakewell, on the east side of Matlock Road, opposite the entrance to Derbyshire House. It is approximately 180 m south from Matlock Road's junction with the main Bakewell roundabout. It is approximately 90m to the north from the forecourt of the Co-operative filling station also on Matlock Road.
4. Tree T1 sits in a retained border adjacent to the roadside pavement at the southwest corner of land owned by Platform Housing Group, beside the drive entrance at London House. To its south side is a stone wall separating Platform Housing Group's land from the minor roadway at the rear of properties on Granby Croft. The canopy of tree T1 extends across the narrow roadway, and over the boundary of number 1 Granby Croft.
5. London House and Granby Croft are outside the Bakewell Conservation Area. On the opposite side of Matlock Road from London House, the trees are within the Bakewell Conservation Area.
6. The site is located within the Derwent Valley Landscape Character Area, whose Landscape Character Type in the absence of built development would be Riverside Meadows (Peak District Landscape Strategy 2022-2031). This is however a densely built environment at the heart of Bakewell.

**RECOMMENDATION:**

7. That TPO 107/2025 BE CONFIRMED without modification.

## **Key Issues**

8. An individual Tree Preservation Order (TPO 107/2025) covering a single Hornbeam at the property named London House (containing Flats 1-11) was made on 9 December 2025. The effect is that the Order applies for six months or until confirmed or modified.
9. TPO 107/2025 was made following a request from Platform Housing Group themselves following the advice of their own tree surveyor, and following a subsequent site visit by the TCO on 24<sup>th</sup> November 2025 at which the tree was found to be worthy of TPO.
10. An objection was received by PDNPA on 9<sup>th</sup> January 2026. The objector expressed concern about issues resulting from the tree which they consider problematic.
11. The objector additionally expressed concern around the amenity value of the tree, safety, the site history and the independence of the Authority's decision-making process.
12. In response to the objection, the Tree Conservation Officer (TCO) decided to revisit the tree in February 2026 in order to reassess the amenity and condition of the tree and to consider the objections raised by the objector. This second visit took place on 13<sup>th</sup> February 2026.
13. Having reassessed the amenity and condition of the tree and considered the objections raised by the Objector, the TCO found that the tree continued to provide significant amenity to the public and was in good health. The TCO found no reason to dispute Platform Housing Group's own surveyor's assessment that the tree presented no significant risk of causing harm to persons or property.
14. The TCO's assessment was that despite the objection received, TPO 107/2025 should confirmed without modification. A draft report was prepared, and a copy of this was sent to the Objector on 1st April in line with approved Authority procedure.
15. A site visit was attended by the TCO and members of the Planning Committee on 9<sup>th</sup> April 2026.
16. Further comments were received from the objector on 14<sup>th</sup> April 2026.
17. The TCO's assessment is that despite the further comments received, TPO 107/2025 should confirmed without modification.

## **History**

18. On 5th November 2025 the Tree Conservation Officers received an email from Platform Housing Group, enquiring as to the possibility of having a Tree Preservation Order put in place on their own Hornbeam tree (T1) at the southwest corner of their land at London

House, Matlock Street, Bakewell. This enquiry was made by Platform Housing Group on the advice of their own in-house tree surveyor.

19. The TCO spoke by telephone with Platform Housing Group's tree surveyor and was advised that the request was being made due to an approach made by a neighbouring resident - in which the severe lateral pruning of the Hornbeam T1 was demanded. Tree T1's canopy is attractively well-balanced, as is typical of this species. Consequently, it extends in all directions including across the separating access road to its south to above the neighbouring resident's rear garden. The neighbouring resident's request to Platform Housing Group was for "*hard pruning*" (their wording) and a photograph indicating the extent of that proposed pruning was provided by the neighbouring resident to accompany their request. That photograph is included at the end of this report. Platform Housing Group's tree surveyor stated that they had visited and made their own assessment that the proposed hard pruning "*would spoil the aesthetic value of the tree, and unnecessarily introduce potential pathogens also, while leaving it unbalanced and structurally compromised*" (their wording in email to TCO). Having made that assessment, the tree surveyor had asked their employer Platform Housing Group to request the Tree Preservation Order.
20. The TCO visited site early on the 24<sup>th</sup> November 2025. Tree T1 was viewed from all accessible angles. As is standard practice a TEMPO assessment was carried out to determine whether creation of a Tree Preservation Order was expedient in the interests of amenity (Forbes-Laird, 2009). In the TEMPO assessment, tree T1 scored highly suitable for amenity, and for relative public visibility and suitability for a TPO, and scored very suitable for its expected retention lifespan (at least 40 years). Alongside the expediency represented by the threat of harmful tree work, these assessed amenity factors combined indicated that the tree would definitely merit a TPO, and that this was expedient in the interests of amenity.
21. The TCO prepared the necessary paperwork and the Tree Preservation Order was made by PDNPA Legal team on 9<sup>th</sup> December 2025. The TCO served the Tree Preservation Order to all relevant addresses and affixed it to the tree on 11<sup>th</sup> December 2025.
22. A letter of objection was received from the neighbouring resident on the 9<sup>th</sup> January 2026. This was acknowledged by the TCO in email on 12<sup>th</sup> January 2026. The Objector expressed concern about issues resulting from the tree which they considered problematic. They additionally expressed concern around the amenity value of the tree, safety, the site history and the independence of the Authority's decision-making process.
23. Careful consideration was given to each of the points raised by the Objector. A second site visit was made on 13<sup>th</sup> February 2026. That same day the TCO emailed the Objector with a detailed response to each of the points they had raised. In that same email the TCO provided details regarding public participation at the Committee meeting.
24. No further communication was received from the Objector.
25. Having reassessed the amenity and condition of the tree and considered the objections raised by the Objector, the TCO found that the tree continued to provide significant amenity to the public and was in good health. The TCO found no reason to dispute

Platform Housing Group's own surveyor's assessment that the tree presented no significant risk of causing harm to persons or property.

## **Consultations**

26. The Tree Conservation Officer served the Tree Preservation Order to the neighbouring Objector's property (serving this in person) and to each of Flats 1-11 at London House (serving in person where possible, and by post through front door where not). Each served copy of the Tree Preservation Order included the required information on how to submit comments and objections to the PDNPA within a minimum 28-day consultation period – in this case the allowed deadline for comments and objections was 10<sup>th</sup> January.

## **Representations and Objections**

27. One objection was received by the Tree Conservation Officer on the 9<sup>th</sup> January 2026.
28. The Objector objected to TPO 107/2025 Flats 1-11 London House, Matlock Street, Bakewell DE45 1EE on the grounds that:
- The Objector believed that that the TPO creation was influenced by connections between PDNPA, Platform Housing Group and Derbyshire Dales District Council.
  - The Objector believed that the Tree Conservation Officer and Platform Housing Group incorrectly thought that the creation of a TPO prevents all future pruning
  - The Objector stated that past removal of trees at this same site is a reason not to create a TPO.
  - The Objector stated that a tree species not native to the region has a lower amenity value.
  - The Objector stated that shade from tree T1 is serving to close off natural light from the dwelling and that this additionally affects two further neighbouring properties on Granby Croft. The Objector stated that the property's garden is continually shadowed and that there is significant light deprivation to windows resulting in a perception of no Spring/Summer at the property.
  - The Objector stated that significant leaf debris is shed onto walkway areas and that this is not supportive of the area's elderly residents.
  - The Objector stated that crows and wood pigeons breed in the tree and that extensive bird excrement creates nuisance issues and health issues. Noise from these birds was cited, and was stated as being particularly bad for a child and all the family. Predation by crows on the eggs and young of other birds was cited. In relation to birds and health, several possible diseases were cited - as were public health obligations pertaining to councils.
  - The Objector stated that tree T1 causes obstruction of the highway, citing section 154 of the Highways Act 1980. A photograph was provided illustrating a large removal van passing beneath the tree in 2018 at which time wall damage was stated to have occurred and a branch from T1 was broken.
  - The Objector stated that due to tree T1 being located in a raised area enclosed by a low retaining wall, alongside possible displacement of that same low wall, the tree will become unstable. They stated that the wall has been breached by the tree.
  - The Objector stated that the proximity of tree T1 to property and persons creates significant anxiety regarding the consequences of any possible tree failure.

- The Objector stated that compaction of tree roots will have harmed the root system of tree T1.
29. Having stated their objections to TPO 107/2025 the Objector again requested that their proposed pruning be carried out by tree owner or council.
30. In accordance with the ‘Procedure in Relation to Objections Received Against the Confirmation of a Tree Preservation Order’ approved by Planning Committee in July 2016, a draft of this confirmation report was sent to the Objector on 1<sup>st</sup> April. This allowed several weeks for the Objector to submit any additional comments or views on the proposed Confirmation of the TPO prior to the May 15<sup>th</sup> meeting of Planning Committee at which meeting the TPO confirmation or not must be decided upon by the Committee.
31. In accordance with the ‘Procedure in Relation to Objections Received Against the Confirmation of a Tree Preservation Order’ approved by Planning Committee in July 2016, members of the Committee visited the tree as part of their monthly round of site visits which was undertaken on April 9<sup>th</sup> 2026. The tree and situation and objections were outlined to the Committee members present by the Tree Conservation Officer, and questions were answered.
32. Further comments from the Objector were received by the Tree Conservation Officer on the 14<sup>th</sup> April 2026. These were largely based upon the content of the draft report which, as described above, had been sent to the Objector. These further comments, and the Tree Conservation Officer ‘s response to them, are summarised at paragraphs 60 to 71 of this report.

### **Town and Country Planning Act 1990**

33. Section 198 of the Town and Country Planning Act 1980 states that:
- “(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order”.

### **Main Policies**

34. The Authority’s Development Management Policies (Part 2 of the Local Plan adopted in May 2019) state at section 3.1.26:
- “Tree Preservation Orders (TPOs) may be used by the National Park Authority to protect important individual trees or small groups”.
35. The Authority’s Wooded Landscapes Strategy states at policy T6 for the Riverside Meadows Landscape Character that the Authority should promote and support
- “the protection and management of individual trees or groups of trees within/on the boundaries of settlements which contribute to village character and landscape setting.”

## **National Planning Policy Framework**

36. The National Planning Policy Framework (NPPF) is not relevant in this case.

## **Assessment**

37. The Tree Conservation Officer has assessed Hornbeam T1 and has considered the reasons for objection made by the Objector.

38. There is no connection between the Peak District National Park Authority and Platform Housing Group. The Authority is a separate entity to Derbyshire Dales District Council, we would not ordinarily liaise with DDDC in matters of tree protection, and did not in this case.

39. Regarding the Objector's assertion that the Tree Conservation Officer incorrectly thought that the creation of a TPO prevents all future pruning. This assertion is incorrect. The Tree Conservation Officer is well aware that a TPO does not prevent all pruning. What does result from a TPO is the requirement for an application to be submitted with the details of any proposed pruning. The planning authority – PDNPA - can either approve or refuse the application. As a TPO tree works application is a form of planning application, we can attach conditions to any approval. Additionally, due to it being a form of planning application, if a pruning application to a TPO tree is refused the applicant will have the right to appeal to the Planning Inspectorate. The applicant does not need to own the tree for which the application is made, though the tree owner will usually be informed by the Tree Conservation Officers. Pruning applications which are in accordance with good arboricultural practice and are appropriately justified are regularly approved by the Authority.

40. Regarding the Objector's assertion that past removal of trees at this same site is a reason not to create a TPO. As the site is outside the Bakewell Conservation area there would have been no requirement to notify the Authority of any planned tree removals. These past tree removals were immediately adjacent to the main building at London House - the reasons for their removal are not known. These past tree removals are not however relevant to the decision to make a TPO in this case, as the TPO is specific to this particular Hornbeam T1, and was made in response to the specifics of the situation and the assessed merit of this particular tree.

41. Regarding the Objector's assertion that a tree species which is not native to the region has a lower amenity value. This is not correct. Hornbeams are native to the UK though may not be to the Peak District area. This does not prevent them being a fine amenity tree, as in this case. While there is often a stronger emphasis on native species within the wider countryside (and particularly the PDNP 'Natural Zone') the towns and villages of the National Park area and across the UK contain within their built environments many significant amenity trees of species not native to the UK. Examples being the dominant Silver Limes at the centre of Bamford, and the Plane trees which line the streets of London. Being more typical of the southerly regions of the UK where it is native, Hornbeam is a species which might be expected to cope well with the warming climate – such species choices are typically advised in current planning of urban tree environments.

42. Regarding the objection that shade from tree T1 is serving to close off natural light from the dwelling and that this additionally affects two further neighbouring properties on Granby Croft. No complaint from any other neighbouring residents have been brought to the Authority's attention. Tree T1 is in broad terms to the north of the Objector's property. Late in the day (when the Objector's supplied photograph has clearly been taken) the

tree may conceal the last of the sun. With the garden being on the north side of the house, the house itself has a far greater shading effect on the garden and the TCO considers that this is the more significant factor in the perceived lack of Spring/Summer at the property. Many properties experience a far greater degree of shading from trees, and the Authority (and local planning authorities more generally) would not ordinarily consider this to be a suitable reason to allow a harmful extent of pruning to a significant amenity tree.

43. Regarding the objection that significant leaf debris is shed onto walkway areas and that this is not supportive of the area's elderly residents. No complaints from any other party have been brought to the Authority's attention in this regard. A great many properties across the UK experience leaf fall. In managing trees, the Authority (and local planning authorities more generally) would not ordinarily consider leaf fall to be a suitable reason to allow harmful tree work.
44. Regarding the objection that crows and wood pigeons breed in the tree and that extensive bird excrement creates nuisance issues and health issues, with noise from birds and predation of other birds also being cited, alongside reference to public health obligations pertaining to councils. Some trees will attract more birds than others, and this tree may do so as it is one of the few substantial trees in this part of the Bakewell street scene, though no complaints from any other parties have been brought to the Authority's attention as regards these matters. It's regrettable that the noises made by the birds are distressing, but this is not a unique situation and the Authority (and local planning authorities more generally) would not ordinarily consider this to be a suitable reason to allow a harmful extent of pruning to a significant amenity tree.
45. Bird droppings are also a matter which the Authority (and local planning authorities more generally) would not ordinarily consider this to be a suitable reason to allow a harmful extent of pruning to a significant amenity tree. If the Objector believes that there is a serious issue around environmental health this would be a matter about which they should contact Derbyshire Dales District Council. If DDDC agree with the objector that there is a serious issue which needs addressing, they will approach it in the appropriate manner. If they consider that tree work is required, they would raise this with the tree owner. The tree owner could then apply to the Authority, with the DDDC request as justification of the need for works.
46. Regarding the objection that tree T1 causes obstruction of the highway, citing section 154 of the Highways Act 1980. This is a relatively minor access road. If the Objector believes there is an issue around clearance above the highway, they can raise this with Derbyshire County Council who are the Highway Authority. If DCC assess that tree work is required, they will require this of the tree owner under section 154 of the Act as cited. The tree owner could then apply to us, with the DCC requirement as justification of the need for works.
47. Regarding the objection that due to tree T1 being located in a raised area enclosed by a low retaining wall, alongside possible future displacement of that low wall, the tree will become unstable. Regardless of future wall condition, the TCO does not consider that there is any significant risk of tree instability. If any arose the tree owner could apply to apply to us, providing evidence of instability as justification of the need for works. The objector stated that the wall has been breached by the tree. There is a gap between the two adjoining walls, though to the TCO this looks to be primarily due to the walls not being tied in to one another. If any wall is in future displaced by expansion of the root/soil mass, the TCO considers it would far more likely be the more lightweight lower wall of lesser structural significance. The TCO drew this issue to the attention of the tree owner's representatives who confirmed that they do not consider that this issue is significant

enough to over-ride their reasons for requesting the TPO. They are aware that if there is a significant issue in future, an application can be made for tree works – but will only be approved if sufficient evidence is supplied.

48. Regarding the objection that the proximity of tree T1 to property and persons creates significant anxiety regarding the consequences of any possible tree failure. The safety of the tree is the legal responsibility of the tree owner. Platform Housing Group's tree surveyor informed the TCO of their finding that there was no significant risk of tree or branch failure. The TCO saw nothing to contradict this on site, though this was not the purpose of the TCO's visit and cannot be relied upon in that regard.
49. Regarding the Objector's assertion that compaction of tree roots will have harmed the root system of tree T1. The tree is indeed growing in a restricted location. Extensive open ground would make it easier for the tree to thrive, but despite this restriction and associated compaction it has grown well and is in good health and this would be jeopardised by the harmful extent of pruning proposed.

### **Further comments received from the Objector on 14<sup>th</sup> April 2026**

50. Two additional letters of further comments were received from the Objector on 14<sup>th</sup> April 2026. Both are appended in full to the end of this report. Much of the further comments received build upon objections made previously, but without adding anything new. Recorded in summary here are primarily only those comments which contain new observations.
51. Lack of public participation in the site visit is commented on. The site visit was carried out under the same approved procedure which enabled the Objector to provide these comments and to participate at the public meeting of the Authority's Planning Committee.
52. A criticism is made that the Tree Conservation Officer has not asked the Objector for their definition of the requested 'hard pruning'. This was unnecessary, as the Objector had supplied a red line on a photograph to illustrate the 'hard pruning' request. See Plate 1, which shows proposed severe and harmful pruning.
53. Matters of light and over-shadowing are repeated but have already been addressed in full.
54. While leaf fall has been previously raised, and addressed, the clogging of gutters by leaf accumulation is newly raised. As this can be addressed by regular maintenance (potentially also with use of gutter guards if desired) it would not ordinarily be considered to be a suitable reason to allow a harmful extent of pruning to a significant amenity tree.
55. The criticism was made that the tree has been stated to be in good condition when it is hosting fungal fruiting bodies. The picture supplied of these is assumed to be recent, though this is not stated. Many fungal fruiting bodies appear and disappear seasonally, forming rapidly when conditions allow. The objector identifies the fungus as Chicken-of-the-Woods (*Laetiporus sulphureus*). This identification may be correct, but it may well not be - this cannot be established from the supplied photograph. Many fungi have quite similar appearances. The Tree Conservation Officer does not consider it would be an effective use of limited work capacity to visit the tree for a fourth time.

56. All trees host a range of fungi, some seen and some unseen. While some can create risk, the great majority are either non-pathogenic - or have pathogenicity at such low levels as to be insignificant. The photograph supplied by the Objector gives the Tree Conservation Officer no cause for concern regarding current risk, regardless of whether the fungus is *Laetiporus sulphureus* or not. Many trees co-exist with *Laetiporus sulphureus* for much of their lives, without presenting any significant risk. If a significant risk were to develop, an application for appropriate remedial tree work could be made, and would be approved if the supporting evidence were satisfactory.
57. Two short videos were supplied of vans passing beneath the tree canopy. These vans are in fact on the drive of London House, from where there has been no complaint regarding clearance. The vans passed beneath with no obvious difficulty, causing minor undulation of slender branch twigs.
58. Further comments are made on apparent highways obstruction, with regard to Section 154 of the Highways Act 1980. The Tree Preservation Order does not prevent all future pruning – it provides the legal mechanism by which uncontrolled and harmful pruning can be prevented. If a suitably evidenced application were made for pruning which is proportionate to the supplied evidence, it would likely be accepted. A request made for pruning by the highways department at Derbyshire County Council would be one such evidence type.
59. Further comments are made on bird activity, droppings, and disturbance with regard to the Environmental Protection Act 1990. Again, if a suitably evidenced application were made for pruning which is proportionate to the supplied evidence, it would likely be accepted. A request made for pruning by the environmental health team at Derbyshire District Dales DC would be one such evidence type.
60. The objector comments that “*necessary maintenance must remain achievable... refusal of reasonable works could lead to continued harm*”. If a suitably evidenced application were made, it would likely be accepted. If an application for works to a TPO tree is refused, the applicant has the right of appeal. This is different to the current TPO Objection process. Any such appeal would be determined by an inspector from the Planning Inspectorate, who are entirely separate to the National Park Authority.

### **Legal Considerations**

61. Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows for the confirmation of an Order with or without modifications.

### **Conclusion**

62. It is recommended that that TPO 107/2025 be confirmed without modification and all people previously served with the Order to be notified of the order’s confirmation, the date it was confirmed, time within which an application may be made to the High Court; and grounds on which an application to the High Court may be made.

### **63. Human Rights**

64. Whilst the making of a Tree Preservation Order interferes with an individual's human rights, such interference would be in accordance with the law and justified by being in the public interest and, on the basis of the restriction of these rights, would be proportionate to the wider benefits of approval. Such a decision would be within the margin of discretion afforded to the Local Planning Authority under the Town and Country Planning Act 1990.

65. Local Planning Authorities may make a TPO if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area' [See section 198(1) of the Act]. Guidance given to ensure good practice is followed by the Tree Conservation Officers in their application of the Act and makes particular reference to expedience, quoted below:

66. *It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.*

[Tree Preservation Orders and trees in conservation areas - GOV.UK](#) (paragraph 010)

67. One of the important functions of the TPO is the effective control on overall tree losses by securing and protecting replacement planting [Forbes-Laird J. 2009]. Under section 206(1) of the Act, the landowner is under a duty to replace a tree that is removed in contravention of the TPO. Outside woodlands the duty also applies if the tree is removed because it is dead, dying or has become dangerous. The duty on the landowner is:

- to plant another tree, of an appropriate size and species, at the same place, as soon as he or she reasonably can.

In cases where tree removal is approved following application to the Authority, conditions requiring replacement tree planting may be attached to the approval.

These duties and conditions transfer to the new owner if the land changes hands.

68. **List of Background Papers** (not previously published)

None.



**Plate 1. Viewed from the east, looking towards Matlock Road. The proposed harmful extent of pruning is as shown by the red line.**  
(this photograph with red line was supplied by the Objector on 9th January 2026).



**Plate 2. Viewed from the pavement beside Matlock Road, looking, east towards Granby Croft residences. Tree T1's stem is visible at to left corner. This photograph was supplied by the Objector on 9th January 2026 as an illustration of leaf debris.**



**Plate 3. Showing the gap between the two walls adjacent to tree T1. This may be due to the walls not being tied into one another, or it may be due to displacement as asserted by the Objector.**  
(this photograph was supplied by the Objector on 9th January 2026).



**Plate 4. Viewed from the rear garden of the Objector's property. This photograph was supplied by the Objector on 9th January 2026 as an illustration of excessive shading. Due to the orientation of the property, it is clear that this image is from late in the day when the sun is falling in the sky.**