

REPORT SUMMARY

CASE REFERENCE: 5012/2023/TPO	
ADDRESS: St Mary's Church, Old Ashford Road, Lenham, Maidstone, Kent	
RECOMMENDATION: CONFIRM Tree Preservation Order No. 5012/2023/TPO without MODIFICATION as per the attached Order.	
SUMMARY OF REASONS FOR RECOMMENDATION: The Council considers that the Thuja tree contributes to amenity and local landscape character, and it is expedient to make a Tree Preservation Order (TPO) due to the submission of a section 211 notice for its removal under application 23/502720/TPO.	
REASON FOR REFERRAL TO COMMITTEE: One objection to the making of the TPO has been received from the owner of the tree Lenham Parish Council.	
PARISH: Harrietsham and Lenham	WARD: Harrietsham and Lenham
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 01/08/2023
PROVISIONAL TPO MADE: 12.10.2023	PROVISIONAL TPO EXPIRY: 12.04.2024
PROVISIONAL TPO SERVED: 12.10.2023	TPO OBJECTION EXPIRY: 08.11.2023

RELEVANT PLANNING HISTORY

Planning:

20/505489/TPOA - TPO Application 1 x Lime (T2) to fell as per arboriculturalist report. - **Approved - 12.02.2021**

23/502720/TCA - Conservation area notification to remove one Thuja. - **Tree Preservation Order Served - 13.10.2023**

Enforcement:

19/500212/LSTBP1 - Enforcement Enquiry - **Pre Application Advice Closed - 04.06.2019**

19/500217/OPDEV - Enforcement Enquiry - **Pre Application Advice Closed - 16.04.2019**

Appeals:

None

MAIN REPORT

1. INTRODUCTION AND BACKGROUND

1.01 Tree Preservation Order No. 5012/2023/TPO was made on the 12.10.2023 on a provisional basis, following the submission of a 6 week notification (section 211 notice)

to fell a Thuja tree growing within the grounds of St Marys Church, Lenham that lies within Lenham Conservation Area.

- 1.02 The main reasons cited in the application for the removal of the Thuja was because of signs of disease, root rotting and its size so close to the main road and adjacent property Forge House. Following an inspection by the Councils arboriculturalist on 1st August 2023 the Thuja did not display any signs of disease or decay to justify its removal, so in accordance with the current regulations it was considered expedient to make it subject to a TPO to prevent its removal. A copy of TPO No. 5012/2023/TPO is attached at Appendix A of this report.

2. DESCRIPTION OF TREES

- 2.01 The Thuja tree (Western Red Cedar) subject to TPO 5012/2023/TPO is located within the grounds of St Mary's Church, Lenham. It is growing within a small, unmaintained area of the churchyard, some 0.8m from the low stone and flint boundary wall, on the northern boundary, adjacent to Forge House.
- 2.02 It is of good form and prominent from both the churchyard and Old Ashford Road as seen in photo 1 below.

Photo 1 – View of the Thuja from Old Ashford Road



3. OBJECTIONS

3.01 One objection has been received by Lenham Parish Council to the making of the TPO, which has been summarised below.

3.02 Objections Summary:

Lenham Parish Council wish to object to the proposed Tree Preservation Order (TPO) on the Thuja tree in St Mary's churchyard, Lenham. The following points outline the reasons for this objection:

1. The tree is in the Lenham Village Conservation area and is therefore already protected, it cannot be touched without the approval of Maidstone Borough Council (MBC) – a TPO is superfluous.
2. The tree is a thuja (Western Red Cedar) which is not a native species.
3. This type of tree is not suitable for a Village Church cemetery. We appreciate it will probably not reach the height or girth of the Californian redwood with the Roadway cut through the trunk, but it is already very tall and will continue to grow.
4. Due to the above the tree is out of character for this area, it does not add to the character of the landscape or contribute to amenity as suggested.
5. We understand that this species normally grows in hilly, well drained areas – this location is only 1m above the East Lenham Vale and therefore only two or three metres above the winter water table. The headwater of the river Stour emanating from the water table is only 100m or so away. This could be a future issue in respect of the stability of the tree if allowed to continue to grow.
6. It should also be noted that the extensive root system, especially if it is shallow, will cause disturbance of the graves and could also impact on the structural integrity of Grade 2* listed Forge House, the church wall, and the listed mounting block.

4. REPRESENTATIONS

4.01 Following service of the TPO on the landowner, owner occupier of Forge House and any other persons who have an interest in the land no other representations have been received to the making of the TPO.

5. APPRAISAL

5.01 The Thuja tree is a mature specimen, approximately 20m tall, with an average crown spread of 7m and a stem diameter (measured at a height of 1.5m) of 800mm.

5.02 At the time inspection it appeared in good health with dense, green foliage of normal size for the species. It also appears structurally sound with no obvious significant defects (a percussion test with a plastic mallet did not indicate any decay or cavities in the stem base or buttress roots). It overhangs part of the garden to Forge House and a few gravestones in the churchyard. A pile of old tree prunings and an old, small, dead Christmas tree have been heaped against/adjacent to the western side of the stem base.

5.03 Growing directly to the west within the neighbouring garden of Forge House is a similar sized Thuja designated as T1 of confirmed TPO 12 of 2011.

5.04 The Thuja tree subject to this order is a good example of its species and a prominent feature of the landscape. It is of high amenity value and merits protection with a TPO (TEMPO assessment score 16+, definitely merits TPO).

6. RESPONSE TO OBJECTIONS

6.01 Having considered the six points raised in the Parish Council's objection in section 3 of this report, I would respond to each point as follows:

1. The Thuja is indeed located within Leham Conservation area and therefore automatically protected. However, the submission of the section 211 notice to fell the tree meant that in line with current guidance/legislation the Council had no choice but to make the TPO in order to prevent its removal. Therefore, the TPO is not considered superfluous.
2. Thuja or Western Red Cedar as it is known, is a native of North America and whilst not a native of this country it has become an important species in the British landscape particularly for timber production and its ability to tolerate shade. It is often planted in domestic gardens as hedging or as individuals which can become focal trees giving valued shelter to wildlife in the winter months. Under the current TPO guidance any tree of any species can be made subject to a TPO, so to exclude non-native species would go against government guidance and good practice.
3. In its current growing context within the churchyard, the Thuja is considered to be a suitable species for the area contributing to the sylvan character.
4. The Thuja is of a size and growing position that makes it fully visible from surrounding public areas (roads & footpaths) and as such is considered to be of significant amenity value.
5. No evidence has been provided to suggest the tree's growing location/ground conditions will have a bearing on its future stability which is deemed to be good when inspected.
6. No evidence has been provided to indicate that root growth from the Thuja will cause disturbance of the graves and could also impact on the structural integrity of Grade 2* listed Forge House, the church wall, and the listed mounting block.

7. CONCLUSION

- 7.01 The objections raised by the Parish Council are not considered sufficient reasons not to confirm the TPO or raise sufficient doubt to question its validity. The Thuja tree is considered to have significant amenity value so its loss would erode the mature and verdant landscape of the area by a marked degree and would thus give rise to significant harm to its character and appearance. Therefore, it is considered expedient to confirm the TPO to secure its long-term retention/protection.

8. RECOMMENDATION

CONFIRM Tree Preservation Order **No. 5012/2023/TPO without MODIFICATION** as per the attached Order.

Case Officer: Paul Hegley (MBC)

Date: 04.03.2024

Note: Tree Officer assessments are based on the condition of the trees on the day of inspection. Whilst every effort is made to ensure that the assessments are accurate, it should be noted that the considerations necessary for determining applications/notifications may be able to be made off-site and, in any case, no climbing or internal inspections or excavations of the root areas have been undertaken. As such, these comments should not be considered an indication of safety.

APPENDIX A – Copy of Tree Preservation order No. 5012/2023/TPO