

APPLICATION NO: 26/00866/TREEPO		OFFICER: Sam Reader
DATE REGISTERED: 16/6/26		DATE OF EXPIRY: 16/12/26
WARD: Warden Hill		PARISH:
LOCATION:	Land at Castanum Court	
PROPOSAL:	TPO to three birch (Ts 1, 2, 3) and mixed woodland (W1)s	

RECOMMENDATION: Confirm without modification



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Three birch of various species on the southern border of the land adjacent to the brook. The northern edge of the land is wooded at the brook's edge. Site is accessible from Castanum Court.
- 1.2 The three birch are early mature and not fully grown. They appear to be in good condition and visible from both Castanum Court and the main road.
- 1.3 The wooded area is of mixed species with a range of maturity classes represented but in the main these trees are older and larger than the birch. These trees appear in good condition and are visible from both Castanum Court and the main road.
- 1.4 The TPO has been made in response to 26/00695/FUL which would remove T1 and T2. The development would also increase pressure on T3 by recontextualising it in a small garden and by inserting a parking space in its RPA. The woodland was included in anticipation of a revised layout closer to those trees.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Relevant Planning History

26/00695/FUL - Land At Junction With Warden Hill Road. Change of use of land to residential and construction of single storey dwelling.

3. POLICIES AND GUIDANCE

Town and Country Planning Act 1990

Part 8, Chapter 1 – Trees

Cheltenham Plan

Policy GI2

POLICY GI2: PROTECTION AND REPLACEMENT OF TREES

The Borough Council will resist the unnecessary (Note 1) felling of trees on private land, and will make Tree Preservation Orders in appropriate cases.

For protected trees (Note 2), the Council will require:

a) any tree which has to be felled to be replaced, where practicable (Note 3); and

b) pruning, where it is necessary, to be undertaken so as to minimise harm to the health or general appearance of a tree and to be in conformity with British Standard for Tree Work (BS3998, 2010).

In cases where trees are not protected by a Tree Preservation Order or by being in a Conservation Area but contribute to the townscape and character of the town, the Council will consider including such trees in a Tree Preservation Order.

4. CONSULTATION RESPONSES

4.1. Two site notices were put up, one on Castanum Court and one on Warden Hill Road. A copy of the provisional order was sent to the tree owner (who is also agent for

26/00695/FUL). Note that the agent states he has never received this in the post but accepts it was received by email subsequently. A copy was sent to the neighbour at 54.

4.2 The neighbour at 54 responded in support of the TPO.

4.3 The owner submitted an objection based on:

- A request to only protect the woodland
- The council has not demonstrated that the trees are high value amenity trees and that the TPO is justified in terms of expediency (a threat to the trees)
- The trees are not visible enough to be protected as Castanum Court is a small cul-de-sac and that views of the trees from the main road are restricted by the hedge
- The trees are young and do not merit protection, furthermore that an estimated 20+ years lifespan (taken from their arborist's report) does not merit protection. The arborist's report also categorises T1 as young and all three as 'B' (as per BS5837:2012).
- The order fails to distinguish between local and wider amenity and that the trees' amenity contribution is readily replaceable.
- Replacement planting would provide a better public outcome.
- Ward canopy cover is not reason enough to protect healthy, visible trees and that amenity assessment should also be included in the assessment for TPO.
- Furthermore that overall canopy cover would not be reduced without mitigation (i.e. planting of four trees proposed as part of 26/00695/FUL)
- The agent points to the numbering of the TPO (T1, 2, 3) not matching the numbering used by their own survey (which includes a rowan as T3 not included in the TPO).

5. OFFICER COMMENTS

- 5.1 The protection of the woodland trees is not objected to so these will not be further discussed in this report. The birch trees appear to be in good physiological condition.
- 5.2 Each tree has been assessed visually in regard to their public visual amenity and expediency (threat). The TEMPO assessment tool has been used for clarification. Each tree is a good example of a difference species of birch. There is a clear threat to two trees and given the apparent likelihood of a reconfigured layout in response to the Trees Section's objection to their removal, it appeared expedient to also protect the third birch and woodland.
- 5.3 Although Castanum Court is a small cul-de-sac, it is a public road and the trees are clearly visible from that road. The legislation does not differentiate between public areas of very high footfall and those of low footfall. Furthermore, the trees are all visible from the main road – either from the entrance of Castanum Court or partially obscured behind the hedge.
- 5.4 The age of the trees is relevant only insofar as they have a reasonable remaining lifespan and are not so young and small as to be not visible or contributing significant amenity to their surroundings. A tree with at least 20 years expected lifespan would ordinarily merit protection if other criteria were met. Although the BS5837 cascade chart from which the arborist has categorised the trees as 'B' is not commonly used for TPO assessments (and the owner points this out), within that chart Grade B trees would be recommended for

retention within a development. The arborist's report demonstrates that these trees are constraints to development and should be retained.

- 5.5 The significance of these trees is already sufficient to warrant protection and will only increase as the trees reach maturity and full height. It may be fair to say that the trees' amenity could be replaced in time with new trees. However, that would take some years (and much watering and energy), and the existing trees are already well established. While it is argued by the owner that replacement planting would produce a better outcome than retention of the existing trees, the existing trees are already a valuable amenity assess that should be retained.
- 5.6 Canopy cover in Warden Hill is only 7% compared with a national target of 16.5%. Retention of the trees protected by this TPO would be in line with the aims of the Council's Trees Strategy and while this is not enshrined in planning policy, it does strengthen the mandate for protection in the overall assessment for TPO.
- 5.7 It is not the convention nor mandatory to use a developer's tree survey numbering to number trees on a TPO's schedule.

6. CONCLUSION AND RECOMMENDATION

- 6.1 A threat to demonstrably high value trees has been established. Therefore, a TPO is expedient and appropriate.
- 6.2 On this basis the recommendation is to confirm the TPO without modification.

Addendum:

Objections:

Dear Tree officer FAO Sam Reader Re: FORMAL OBJECTION Trees at land adjacent to Castanum Court, Tree Preservation Order 2026 Council reference Site Related application Date 26/00866/TREEPO (TPO 866) Land adjacent to Castanum Court, Cheltenham 26/00695/FUL 24 July 2026

We write in response to Tree preservation Order ref : 26/00866/TREEPO received via e mail on the 3rd July 2026. Whilst it is alleged that the TPO was sent by post, no paper copy of the order has ever been received. On behalf of the site owner we are instructed to object to the confirmation of the individual tree elements of the Order, but support the protection of the mature trees forming the Hatherley Brook corridor under W1.

1. Scope of the objection

These representations concern the individual trees on the southern side of the site. The Order schedule identifies three individual birch trees as T1, T2 and T3. The application arboricultural material, however, identifies four southern trees as T1-T4, with application tree T3 recorded as a rowan and T4 as a birch. For the avoidance of doubt, the objection applies to each individual southern tree protected by the Order and to any intention to protect application tree T4. No objection is made to W1. The Council is accordingly requested to confirm W1 only and not to confirm the individual-tree elements. Alternatively, the Order should be modified so that it protects W1 but excludes all of the individually identified southern trees.

2. Statutory and policy test

Section 198 of the Town and Country Planning Act 1990 permits an Order where it appears expedient in the interests of amenity. National Planning Practice Guidance advises that Orders should protect selected trees or woodlands where removal would have a significant negative impact on the local environment and its enjoyment by the public. Before confirming an Order, the authority should be able to show that protection would bring a reasonable degree of public benefit, now or in the future. The guidance identifies visibility, individual or collective impact, future potential, rarity, cultural or historic value, relationship with the landscape and contribution to a conservation area as relevant considerations. Public visibility alone is not sufficient. Amenity and expediency must both be demonstrated.

3. Castanum Court is a short, self-contained spur

The Tree Officer's initial response states that the southern trees add visual amenity to Castanum Court and to the busy junction of Warden Hill Road and Hatherley Road. That assessment overstates their public presence. Although Castanum Court is in part an adopted highway, it is simply a short no-through spur serving the only 4 of the 9 dwellings within the cul de sac(the remaining dwellings accessed via private drive). The access road does not connect into the wider highway or pedestrian network and has no function as a through-route. Public views from Castanum Court are therefore experienced by a small and localised audience, principally residents and visitors to those four dwellings. Views from the busier Warden Hill Road/Hatherley Road junction are materially restricted by the mature yew hedge, circa 4 metres high, along the north-western boundary. The landscape specification records that this hedge limits views towards the trees proposed for removal. The individual trees therefore do not have the prominence or wider public visibility suggested in the Tree Officer's response.

4. The individual trees do not meet the necessary amenity threshold

The individually identified southern trees are less than 20 years old. They are not mature landmark trees, rare specimens, trees of historic or cultural importance, or components of a designed landscape scheme. They were not planted pursuant to a landscape scheme for the Castanum Court development. The submitted Arboricultural Impact Assessment describes T1 as young and records T1 and T2 as BS5837 category B trees, T3 as category C and T4 as category B. A BS5837 category is a development-design tool and does not itself establish that a tree satisfies the statutory TPO test. In particular, an estimated remaining contribution of 20 years or more is not evidence that the tree is presently of high public amenity value. The Council's later comment of 22 June 2026 refers generally to the removal of 'trees of high value', but does not provide a structured amenity assessment or explain why each individual tree merits

protection in its own right. It does not address the restricted visibility, the cul-de-sac character of Castanum Court, the trees' limited age, their ordinary species and form, or the much stronger landscape contribution made by the mature brook corridor.

5. The Order fails to distinguish between local and wider amenity

The southern trees provide some greenery when viewed at close range from Castanum Court. That is not disputed. The question, however, is whether their removal would have a significant negative impact on the local environment and its enjoyment by the public, sufficient to justify permanent statutory protection. On the evidence, it would not.

- Their principal visual envelope is the short Castanum Court spur.
- The adopted section off road serves only four dwellings and carries no through pedestrian or vehicular movement.
- The mature boundary hedge limits views from the significantly busier public roads.
- The trees are young or semi-mature, commonplace and not part of a formal landscape composition.
- Their contribution is readily capable of mitigation through properly located replacement planting.

6. Clear contrast with W1

W1 is materially different. It comprises mature, mixed riparian vegetation along the southern bank of Hatherley Brook. It forms a continuous landscape corridor, contributes to the established green character of the brook and provides screening between the site and surrounding development. Its scale, continuity, maturity and relationship with the watercourse give it a clear collective and wider landscape function. The applicant therefore supports confirmation of W1. That support demonstrates that the objection is not an objection to appropriate tree protection in principle; it is directed to the absence of evidence that the comparatively young individual southern trees meet the statutory amenity test.

7. Replacement planting provides a better public outcome

A detailed replacement planting scheme has been prepared by Harman Landscape Architecture. It provides four replacement trees: one extra-heavy-standard common alder, two extra-heavy standard silver birches and one semi-mature Persian ironwood. This exceeds the three removals required by the current development proposal. The Persian ironwood is deliberately positioned at the northern corner of the site and specified at 20-25 cm girth and 4.5-5.5 metres high so its canopy will sit above the boundary hedge and be visible from Hatherley Road and Warden Hill Road. The two silver birches strengthen the Hatherley Brook corridor, while the alder maintains tree cover along Castanum Court. Root barriers and offsets from the main sewer are incorporated, and the accompanying establishment specification secures planting, watering and aftercare. This is a more purposeful distribution of trees than the existing incidental planting. It directs the strongest specimen towards the location of greatest public visibility and reinforces W1. Replacement planting can be secured through a planning condition, providing an appropriate and proportionate means of maintaining and enhancing amenity without confirming the individual-tree elements of the Order.

8. Ward canopy cover

The reported canopy cover of 7% across Warden Hill ward is a relevant strategic consideration, but it does not establish that every healthy and publicly visible tree within the ward should be individually protected. A ward-wide statistic cannot replace an assessment of the amenity contribution of each tree. The statutory test remains whether protection of these particular trees is expedient in the interests of amenity. There must be a reasoned connection between the qualities and public contribution of each tree and the decision to impose permanent protection. In this case, overall canopy cover would not be reduced without mitigation. The landscape proposals provide four replacement trees in place of the three trees proposed for removal. The replacement trees have been selected and positioned to provide greater visibility from Warden Hill Road and Hatherley Road and to reinforce the mature Hatherley Brook corridor.

9. Expediency and the planning application

It is accepted that the current planning proposal creates a risk that some of the trees would be removed and therefore explains why the Council considers protection expedient. However, expediency is only one part of the statutory test. A development threat does not make a tree worthy of protection if it does not possess sufficient amenity value in its own right. The Tree Officer's observation that a TPO is the only available legal mechanism to prevent removal does not answer whether it is appropriate to use that mechanism for these particular trees. A TPO should not be imposed merely to preserve a constraint pending determination of a planning application. The Council must first demonstrate that each individually protected tree merits protection in the interests of public amenity. The relative merits of retention, removal and replacement can then be considered through the planning application, including the proposed layout, the benefits of the development and the detailed replacement planting scheme.

10. Identification and precision

There is also a material lack of clarity between the Order and the application evidence. The Order schedule and map show three individual trees, T1-T3, and describe each as birch. The Arboricultural Impact Assessment identifies application T3 as rowan and T4 as birch. The Tree Officer's original response likewise refers to T1 and T2 as birch, T3 as rowan and T4 as a retained category B tree. The Council should not confirm an Order whose references do not correspond clearly with the arboricultural survey on which the planning discussion has proceeded. At minimum, the precise identity and species of every individually protected tree must be reconciled before confirmation. This discrepancy reinforces the case for confirming W1 only.

11. Conclusion and requested action

The mature Hatherley Brook corridor plainly performs a wider landscape and public amenity function and its protection under W1 is supported. The individual southern trees are fundamentally different. They are less than 20 years old, were not planted as part of a landscape scheme, are principally experienced from a short no-through spur serving four dwellings and are screened in wider public views. The Tree Officer has identified public visibility, physiological condition, contribution to the street scene, ward-level canopy cover and concerns regarding replacement-tree establishment. Those matters are acknowledged. However, they do not demonstrate that each individual tree has sufficient public amenity importance to warrant permanent statutory protection, particularly when regard is had to the restricted visual envelope, the trees' limited age and ordinary character, and the detailed replacement planting proposed.. The Council is therefore requested to:

- confirm W1, protecting the mature trees lining Hatherley Brook;
- decline to confirm the individual-tree elements T1-T3;
- for the avoidance of doubt, exclude application tree T4 from any amended or intended individual protection; and
- address the inconsistency between the Order schedule/map and the species and numbering in the Arboricultural Impact Assessment.

12. Documents relied upon

- Trees at land adjacent to Castanum Court, Tree Preservation Order 2026 (26/00866/TREEPO).
- Greenwood Surveys, Arboricultural Impact Assessment, ref. 20260130/61, April 2026.
- Cheltenham Borough Council Tree Section response on application 26/00695/FUL, 15 May 2026.
- Cheltenham Borough Council Tree Section further comment, 22 June 2026.
- Harman Landscape Architecture drawing 26056-HLA-XX-XX-D-L-4101, rev. 1.
- Harman Landscape Architecture drawing 26056-HLA-XX-XX-D-L-4102, rev. 1.
- Harman Landscape Architecture Planting Specification and Establishment, 26056-HLA-XX-XX R-L-9501, 6 July 2026.

•National Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas. Yours sincerely For and on behalf of Evans Jones Ltd D Jones David Jones MRTPI. MRICS