

OLDHAM METROPOLITAN BOROUGH COUNCIL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

TREE REPLACEMENT NOTICE

Tree preservation order: OLDHAM METROPOLITAN COUNCIL (CLARKSFIELD HOUSE OLDHAM) TREE PRESERVATION ORDER 1992

ISSUED BY: Oldham Metropolitan Borough Council ("the Council")

- 1. THIS IS A FORMAL NOTICE** which is issued by the Council under Section 207 of the Town and Country Planning Act 1990 (the Act) because it appears to them that:

you have not complied with a duty to plant replacement trees under section 206 of the Act.

- 2. THE LAND AFFECTED**

Land at 10 Glenfield Close, Clarksfield, Oldham, OL4 3AB shown edged red on the accompanying plan ("the land") which is situated on the land of the former Clarksfield House Oldham.

- 3. REASONS FOR ISSUING THE NOTICE**

In March 2014 it came to the attention of Oldham Metropolitan Council that 1 beech tree and 1 lime tree had been removed from the garden of the land stated. On inspection on 3rd March 2014 it was established that the trees had been cut down. The house is located within an area of land subject to group TPO and as such the trees were protected by a Tree Preservation Order, OLDHAM METROPOLITAN COUNCIL (Clarksfield House) TPO00109/92 enacted on 08/06/1992. Under section 206(1) of the Town and Country Planning Act 1990 as amended (the 1990 Act) the owner of the land is under a duty to replace trees removed in breach of a Tree Preservation Order (TPO). No application for permission to remove the trees has been made and thus their removal was a contravention of the Order. The Local Planning Authority now serves this Notice pursuant to Section 207 of the Act.

- 4. WHAT YOU ARE REQUIRED TO DO**

You are required to plant 1x lime tree and 1 x beech tree to be planted at the places shown encircled on the attached plan.

The trees required to be planted are to be an Extra-heavy standard trees of 14-16cm stem girth which will be a height of 4-5 metres high and should be supplied in pots of a minimum volume of 85 litres.

The replacement trees shall be maintained for a period of five years from the date of planting. During this period any trees which die or are damaged, or seriously diseased shall be replaced by trees of a similar size and species as those originally planted at which time shall be specified in writing by the local planning authority

5. TIME FOR COMPLIANCE By the 1st February 2015

6. WHEN THIS NOTICE TAKES EFFECT

The Notice takes effect on 1st December 2014 unless an appeal is made against it beforehand.

Dated: 30 October 2014

Signed:

PP

**For Paul Entwistle
Borough Solicitor
Council's Authorised Officer**

On behalf of: Oldham Metropolitan Borough Council
Civic Centre
West Street
Oldham
OL1 1UL

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this Notice by writing to the Planning Inspectorate, Environmental Appeals Team, Room 3/25 Hawk Wing, Temple Quay House, 2, The Square, Temple Quay, Bristol, BS1 6PN.

Your appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 6 of the notice. You can appeal on any one or more of the following grounds:

- (1) That the provisions of the Section 206, or as the case may be, the conditions, are not applicable or have been complied with;
- (2) That in all circumstances of the case the duty imposed by Section 206(1) should be dispensed with in relation to any tree;
- (3) That the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified therein;
- (4) That the planting of a tree or trees in accordance with the notice is not required in the interest of amenity or would be contrary to the practice of good forestry;

(5) That the place on which the tree or trees is or are required to be planted is unsuitable for that purpose.

You must also state the facts on which your appeal is based

Further advice on the appeals procedure may be found at

www.planningportal.gov.uk/uploads/pins/trn_app_guidance.pdf

FAILURE TO COMPLY

If you do not comply with this notice, the Council may enter the land, plant the trees and recover from you any reasonable expenses incurred.

ADVICE

If you have any question about this notice or would like some advice on how to comply with it, please contact Bongani Ndlovu, Planning Enforcement Officer, Neighbourhoods Directorate, Planning and Infrastructure, Development Management, P O Box 30, Civic Centre, West Street, Oldham, OL1 1UQ

A copy of this Enforcement Notice has been served on the following persons: -

Mr. Asif Hussain of 10 Glenfield Close, Clarksfield, Oldham, OL4 3AB

Yasmin Akhtar of 10 Glenfield Close Clarksfield Oldham OL4 3AB

