



## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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**Report of:** Head of Planning

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**Date:** 23<sup>rd</sup> May 2023

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**Subject:** Tree Preservation Order No. 464  
Limpits Farm, Rushley Road, S17 3EH

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**Author of Report:** Vanessa Lyons, Community Tree Officer (Planning).

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**Summary:** To seek confirmation of Tree Preservation Order No. 464

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**Reasons for Recommendation**

To protect a tree of visual amenity value to the locality

**Recommendation**

Tree Preservation Order No. 464 should be confirmed unmodified.

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**Background Papers:**

- A) Tree Preservation Order No. and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the tree

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**Category of Report:** OPEN

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## CITY GROWTH SERVICE

### REPORT TO PLANNING & HIGHWAYS COMMITTEE

Tree Preservation Order No. 464

Limpits Farm, Rushley Road, S17 3EH

#### TREE PRESERVATION ORDER NO. 464

##### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.464

##### 2.0 BACKGROUND

2.1 Tree Preservation Order No.464 ('the Order') was made on the 8<sup>th</sup> December 2022 to protect a horse chestnut tree which stands within the curtilage of a stone built period farm house known as Limpits Farm. Situated on Rushley Road, the house and tree are located within the Dore Conservation Area, so are protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 On 2<sup>nd</sup> November 2022 the Council received a section 211 notice (reference 22/03992/TCA) giving notice of removal of the tree, stating damage to the adjacent stone wall as the reason for removal. The tree was subsequently inspected by Vanessa Lyons, Community Tree Officer on 15<sup>th</sup> November 2022 with a view to assessing the amenity value of the tree, and to determine whether it would be expedient in the interest of amenity to make the tree subject to an Order.

2.3 The inspection revealed a mature horse chestnut tree of substantial girth, which sits in an elevated position to the north of the house, within a small triangular garden, and adjacent to a stone retaining wall which fronts Rushley Road. The tree has undergone historic pruning, in a manner termed "pollarding" which removed its upper canopy. The tree has since re-grown an upright, vigorous canopy, and is now a tree of medium size, which is prominent within the street scene, being one of the larger trees on the northerly section of Rushley Road. The portion of dry-stone wall adjacent to the tree has collapsed. While it is probable that root pressure from the tree has contributed damage to the wall, the age and the poor general condition of the wall are also thought to be contributory factors. In either case, no technical analysis of the wall was supplied with the section 211 notice to indicate that repair of the wall would necessitate removal of the tree. Images of the tree can be found at Appendix C.

2.4 Between November 18<sup>th</sup> and December 8<sup>th</sup>, 4 emails were received by the Council, from members of the public, responding to the section 211 notice.

Each person objected to the removal of the tree on the grounds of loss of amenity to the Conservation Area.

2.5 Limpits Farm has been subject to both a pre-application, submitted on the 4<sup>th</sup> of November 2022, and later a full planning application, reference 22/04584/FUL regarding renovation of the dwelling. Full planning consent was granted conditionally on the 9<sup>th</sup> March 2023.

2.6 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was conducted on the 15<sup>th</sup> of November 2022. The tree was scored with 15 points which indicated that a TPO was defensible. Having regard to this score, it was therefore deemed expedient in the interests of amenity to make the tree subject to an Order. A copy of the TEMPO assessment can be found at Appendix B.

2.7 Objections.

No duly made objections to the TPO have been received.

### 3.0 VISUAL AMENITY ASSESSMENT

Visibility: A mature horse chestnut of medium canopy size which sits in an elevated position to the highway, fully visible to the public and prominent on the street scene.

Condition: The tree was assessed as being in fair condition, having historically had its upper canopy removed. This has since re-grown and the size of the new branches indicate re-growth of approximately 20 years of age or more. Although the shape of the tree has been altered through this pruning, the tree is not without visual appeal, being of distinctive form in a prominent location. Smaller branches of the tree are in contact with the adjacent house but these could easily be pruned to give clearance, with little detriment to the tree's health or amenity.

The tree has small areas of scarring and bleeding on the upright stems, indicative of potential infection with bleeding canker. This is a common disease of horse chestnut and while the infection can prove fatal, some trees experience remission from the infection or recover completely. This tree appears to have only small signs of dysfunction within the canopy and the overall condition of the tree is reasonable, with the tree demonstrating good vitality.

Retention span: The tree appears in reasonable health and has an estimated retention span of 20-40 years. While conflict with adjacent structures (such as the wall) can reduce the potential retention span of a tree, insufficient evidence has been supplied at this time to substantiate tree removal as a necessity. It is possible that engineering solutions exist which could see the tree retained, and the wall fixed.

Contribution to the Conservation Area: The combination of the clearly old tree, historic building, and dry-stone wall are aesthetically pleasing. The tree is therefore considered as being in keeping with and contributing to the rural feel of the Dore Conservation Area.

Other factors: The tree gained no additional points for other factors, though the prominence of the tree adjacent to the historic farm suggested the tree may be viewed as something of a local feature to residents of the area. Representations received in response to the section 211 notice support this view.

Expediency: Immediate. The tree was subject to a section 211 notice stating removal of the tree.

#### 4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

#### 5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no environmental and property implications based on the information provided.

5.2 Protection of the trees detailed in Tree Preservation Order No.464 will benefit the visual amenity of the local environment.

#### 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

#### 7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).

7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. No objections have been received in respect of the Order.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.464 be confirmed.

Michael Johnson, Head of Planning,

23<sup>rd</sup> May 2023

Appendix A. Tree Preservation Order No. and map

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 464 (2022)**  
**Limpits Farm, Rushley Road S17 3EH**

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as Tree Preservation Order No 464 (2022) – Limpits Farm, Rushley Road S17 3EH.

**Interpretation**

2. (1) In this Order "the authority" means the Sheffield City Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**


3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—  
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or  
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,  
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 8<sup>TH</sup> DECEMBER 2022

EXECUTED AS A DEED )  
By Sheffield City Council )  
whose common seal was )  
hereunto affixed in the presence of )

  
David Jelkars  
DUTY AUTHORISED SIGNATORY



SHEFFIELD CITY COUNCIL

**SCHEDULE**

**Specification of trees**

**Trees specified individually**

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Horse chestnut ( <i>Aesculus hippocastanum</i> )	SK 30763 8134

**Trees specified by reference to an area**

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**Groups of trees**

(within a solid red line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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**Woodlands**

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**TREE PRESERVATION ORDER**  
No. 464

Drawing No.  
A4/808/464

Site address  
Limpits Farm,  
Rushley Road,  
S17 3EH

Scale:  
1:500 @ A4

Drawn by MB Date: 06/12/2022

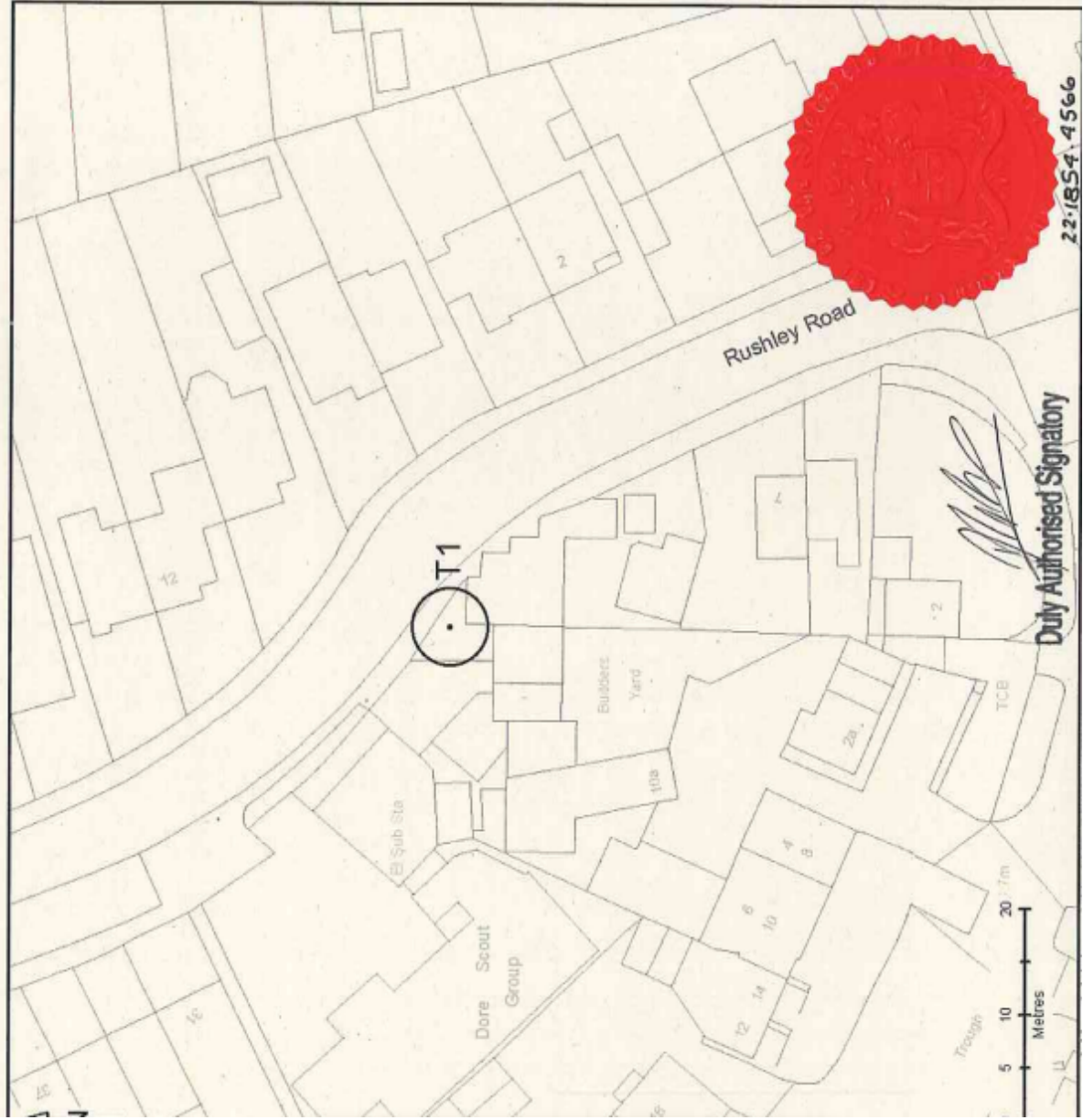
○ Trees specified individually  
(circled in black on the plan)

T1 Horse chestnut (*Aesculus hippocastanum*)

Trees specified by reference to an area – None  
Trees specified by reference to a group – None  
Trees specified by reference to a woodland – None

SK 30763 81342

Measurements shown approximately





Appendix B. Tree Evaluation Method for Preservation Orders (TEMPO) assessment

**TREE EVALUATION METHOD FOR PRESERVATION  
ORDERS - TEMPO**

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor: Vanessa Lyons
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<b>Tree details</b>		
TPO Ref 464	Tree/Group T1	Species: Horse chestnut
Owner (if known):	Location: Limpits Farm, Rushley Rd, S17 3EH	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- 5) Good    Highly suitable
- 3) Fair/satisfactory                          Suitable
- 1) Poor    Unlikely to be suitable
- 0) Dead/dying/dangerous\*                  Unsuitable

*\* Relates to existing context and is intended to apply to severe irremediable defects only*

**Score & Notes :**

**3. Fair condition. Some scarring on upper branches though it is thought this is contained to the bark and not a safety defect. Lapsed pollard which has altered the natural form of the tree.**

**b) Retention span (in years) & suitability for TPO**

- 5) 100+    Highly suitable
- 4) 40-100    Very suitable
- 2) 20-40    Suitable
- 1) 10-20    Just suitable
- 0) <10\*    Unsuitable

*\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

**Score & Notes**

**2. Dry stone wall at side of tree has collapsed though it is thought likely that retention of tree and making good the wall can both be achieved. While root pressure may have contributed to the collapse, the age and poor general condition of the wall are the more likely**

**c) Relative public visibility & suitability for TPO**

*Consider realistic potential for future visibility with changed land use*

- 5) Very large trees with some visibility, or prominent large trees                  Highly suitable

**Score & Notes**

**4**

- 4) Large trees, or medium trees clearly visible to the public                      Suitable
- 3) Medium trees, or large trees with limited view only                              Suitable
- 2) Young, small, or medium/large trees visible only with difficulty              Barely suitable
- 1) Trees not visible to the public, regardless of size                                  Probably unsuitable

**d) Other factors**

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

**Score & Notes**

**1**

**Tree of mature age in keeping with historic building which is stands**

**Part 2: Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes**

**5**

**Part 3: Decision guide**

- Any 0                      Do not apply TPO
- 1-6                        TPO indefensible
- 7-11                      Does not merit TPO
- 12-15                    TPO defensible
- 16+                      Definitely merits TPO

**Add Scores for Total:**

**15**

**Decision:**

TPO defensible

Appendix C. Images of the tree



Photograph taken in November 2022, looking north along Rushley Road.



Photograph taken in November 2022, looking south along Rushley Road.



Google Streetview image from 2011, showing the tree in leaf.

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