

15 Sutton Park  
Sutton  
Ely  
Cambridgeshire  
CB6 2RP

Mr. D. Morren MRTPI  
Strategic Planning & Development Management Manager  
East Cambridgeshire District Council  
The Grange  
Nutholt Lane  
Ely  
Cambridgeshire  
CB7 4EE

5th February 2026

Dear Mr. Morren,

Re:- Your Ref: 25/01161/TRE & Trees/Sutton/CA

Please find enclosed my response and my appeal documents numbered 1 - 13 against the recently imposed TPO's and the TEMPO refusing consent for the removal of trees as set out in my Section 211 application dated 17th October 2025, to be heard by the Planning Committee on Wednesday 4th March 2026 at 2pm.

Would you please provide me with copies of any reports that you will be presenting to the Planning Committee in good time prior to the 4th March in order that I can address any points raised.



Enc.

### Paginated list of documents

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| Document 2.  | Homeowners response to TEMPO for T1 Chanticleer Pear |
| Document 3.  | Homeowners objections to TPO - 2 pages               |
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| Document 6.  | Photograph of T1                                     |
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**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**  
SURVEY DATA SHEET & DECISION GUIDE

Postal Address/Location	Highfield House 15 Sutton Park Sutton Ely Cambridgeshire CB6 2RP		
Date:	25/11/25	Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed		
Category	Description (incl. species)	Situation
T1	Chanticleer Pear 12m in height, 4m from building, some tight unions (typical for species) no included bark evident or any other structural weaknesses visible, good health and vigour evident.	As per plan
T2	Cedar 10m in height, 6m from building, 1.5m from path, no structural weaknesses visible, good health and good vigour evident.	As per plan
T3	Multi stemmed Himalayan Birch 8m in height, 2m from building, previously pruned away from roof, good health and good vigour evident.	Tight of property to front of garage adj boundary.

**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

Score & Notes
T1= 5, T2= 5, T3 = 3 T1 & T2 in very good condition with no structural or health issues evident. T3 multi stemmed poor union at ground level uneven sizes of stems

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

**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

Score & Notes
T1= 4, T2= 4, T3 = 2 T1 likely to outgrow space within 50-60 years. T2 likely to outgrow space within 60-100 years. T3 likely to outgrow space within 20 years max.

\*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

**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     |
| 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 |

Score & Notes
T1= 3, T2= 3, T3 = 2 T1 & T2 clearly visible to public from road and path but small to medium in size. T3 small tree located behind larger more visible trees.

**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
T1= 1, T2= 1, T3 = 1

## 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
T1= 5, T2= 5, T3 = 5 Section 211 notification received for the removal of all three trees

## Part 3: Decision guide

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

Add Scores for Total:
T1= 18, T2= 18, T3 = 13

Decision:
Serve TPO on trees T1 & T2. Allow removal of tree T3

Response to: Tree Evaluation Method For Preservation Orders - TEMPO

T1 Chanticleer Pear

Part 1 Amenity Assessment

a) Condition and suitability for TPO

Score:- 0. Unsuitable due to the health and Safety risk through heavy autumnal leaf drop onto public footpath causing the footpath to be extremely slippery, when wet. Falling branches, tree in poor condition. Leans toward house, restricts daylight and outlook. (See Docs. 6, 7 & 8)

b) Retention span (in years) and suitability for TPO

Score:- 0. Due to present and future nuisance, outgrowing its context and negating the potential of other trees. The fruit is toxic to humans and pets and it has a strong odour of rotting fish. Overhangs house, public footpath and the road. (See docs. 6, 7 & 8)

c) Relative public visibility and suitability for TPO

Score:- 2. Limited visibility from one side

d) Other factors

Score:- -1. Tree of poor form and wholly unsuitable for its location, i.e. 10 feet from house. Poses a significant fire risk.

Part 2 Expediency

Score:- <1. There has never been a threat to the tree and the appropriate section 211 form was submitted as required. (See Doc. 13)

Part 3

Decision Guide

Score:- <1. Do not apply TPO due to accrual of more than two zeros.

Reasons for appealing against the recently imposed Tree Preservation Order's (TPO's) on T1 Chanticleer Pear and T2 Cedar, and for the removal of both trees, at 15 Sutton park, Sutton, Ely CB6 2RP

### T1 Chanticleer Pear

A balance needs to be struck between public benefit and the need for safety. A balance between societal and environmental benefits of trees should be considered against the risks to people and houses from individual trees. The objective should be to adequately protect individual home owners emotionally, physically and financially from risks that they have no control over or grounds for avoiding the obligations placed on them by TPO's. Homeowners have a legitimate expectation of obtaining effective enjoyment of their home which the TPO denies.

The tree is 10 feet from the house, leaning toward the house (See Doc. 6), blocking the outlook view and restricting daylight to rooms (See Doc 8). The Right to Light is a legal entitlement protected under common law and the Rights to Light Act 1959. The tree overhangs the house roof and guttering with high risk of causing damage to the house (See Doc. 7). Heavy leaf drop to gutter at high level causing blockages. The leaf drop to the footpath and roadway from overhanging branches pose a high Health and Safety risk to walkers using the footpath (See Doc. 7). The tree is in poor condition showing signs of deterioration and branch loss. The fruit from the tree is toxic to humans and pets and exudes an odour likened to rotting fish, hence adjacent bedroom and study windows cannot be left open. When in leaf the tree severely limits the already poor street lighting to the extent that a torch is needed to walk the street after dark as the public footpath is in a very poor condition. The shading and heavy autumnal leaf drop affect ongoing care of the front garden and future planting.

The Chanticleer Pear is in direct conflict with planning policies as it "causes significant and demonstrable harm to the occupiers". It fails to give a high level of amenity through natural light and outlook. (See Doc. 8). The East Cambridgeshire District Council (E.C.D.C.) "Cambridge Tree and Woodland Strategy" under "A Modern Approach" section states as Council guiding principle "The Right Tree in The Right Place". In an unrelated case in 2025 E.C.D.C. District Planners refused a planning consent due to concerns that a lack of natural light would cause 'significant and demonstrable harm' to the occupier. A report said the plans failed to provide a 'high level of amenity through natural light and outlook' which would be in 'direct conflict' with planning policies.

The Tree Officer has taken no account of the effect of the imposition of the TPO on the occupiers of the property, Government Guidance notes Ref., para. 022 Ref:ID 36-022-20140306 (Guidance notes on what information the Tree Officer needs to consider including the land owner).

Response to: Tree Evaluation Method For Preservation Orders - TEMPO  
T2 Cedar

Part 1

Amenity Assessment

a) Condition and Suitability for TPO

Score:- 0. T2 is wholly unsuitable in the location it is in. Royal Horticultural Society (RHS) guidance states this non-native species should be no closer than 35-40 feet from a building. T2 is 20 feet from the house. There is also a Health and Safety (H & S) risk due to the 7 foot surface root across the front lawn toward the house causing a tripping hazard and difficulty in mowing and management of grass (See Doc. 11) and a further surface root toward the public footpath (See Doc. 12).

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

Score:- 0. T2 presents as a nuisance tree due to its close proximity to the house (20 feet from house). Shading, restricting daylight, outlook to the living room (See Doc. 9) and bedroom (See Doc. 10). It is 35 feet high with a branch spread of 13 feet toward the house. Its further nuisance potential increases as it grows to a height of 130 feet. There is also a risk to adjacent mains water and drainage utilities from subsidence due to the tree's large rooting system and growing on blue clay.

c) Relative public visibility and suitability for TPO

Score:- 2. Although the tree is publicly highly visible, it is also highly visible and severely restricts the outlook from the living room (See Doc. 9) and the bedroom (See Doc. 10).

d) Other factors

Score:- <1. The tree is of poor form and is wholly unsuitable for its location. i.e. for a small front garden, 20 feet deep from door to public footpath and proximity to the living room window (See Doc.9) and bedroom windows (See Doc. 10).

Part 2

Expediency assessment

Score:- <1. By awarding 5 points Mr. Drane suggests that the tree is in imminent danger and under threat of destruction. However, the correct and appropriate procedure of the Section 211 notice request was duly sent as required and until permission was granted no such action would have been taken (See Doc. 13).

Part 3

Decision Guide

Total score:- Do not apply TPO due to accrual of more than two zeros.

Reasons for appealing against the recently imposed Tree Preservation Order's (TPO's) on T1 Chanticleer Pear and T2 Cedar, and for the removal of both trees, at 15 Sutton park, Sutton, Ely CB6 2RP

### T2 The Cedar

The Cedar is a tall resinous tree, containing natural oils and resins. It is non native, will grow to 130 feet in height with a root spread of three times its height, and will spread aggressively, crowding out other native plants, dominating the landscape and threatening biodiversity. Shrinkable clay soils are most at risk of subsidence. Cedar water uptake is considerable, when planted on blue clay (as this one is) can cause subsidence to the adjacent drains, sewers and mains water pipes which in turn can cause pipes to fracture. The Royal Horticultural Society (RHS) recommend Cedars are not planted any closer to buildings than 35 - 40 feet. Cedars natural occurring biochemical properties having allelopathic effects that inhibits the growth of grass and other nearby plants. Its needle foliage does not benefit climate conditions. Cedar mulch repels pollinators and beneficial insects, this is the flip side of its pest control qualities, it will also affect the ecosystem negatively, especially if you want plants to fruit or produce seed. As a non native species it does not benefit wildlife or amenity value. At around 20-25 years since planting, the Cedar has no heritage or historical value,

A balance needs to be struck between public benefit and the need for safety. A balance between societal and environmental benefits of trees should be considered against the risks to people and houses from individual trees. The objective should be to adequately protect individual home owners emotionally, physically and financially from risks that they have no control over or grounds for avoiding the obligations placed on them by TPO's. Homeowners have a legitimate expectation of obtaining effective enjoyment of their home which the TPO denies.

The Cedar is in direct conflict with planning policies as it "causes significant and demonstrable harm to the occupiers". It fails to give a high level of amenity through natural light and outlook. It is 20 feet from the house, blocking the outlook view and restricting daylight to rooms (See Docs. 9 & 10). The Right to Light is a legal entitlement protected under common law and the Rights to Light Act 1959.

The East Cambridgeshire District Council (E.C.D.C.) "Cambridge Tree and Woodland Strategy" under "A Modern Approach" section states as Council guiding principle "The Right Tree in The Right Place". In an unrelated case in 2025 E.C.D.C. District Planners refused a planning consent due to concerns that a lack of natural light would cause 'significant and demonstrable harm' to the occupier. A report said the plans failed to provide a 'high level of amenity through natural light and outlook' which would be in 'direct conflict' with planning policies.

The trunk of the Cedar is sited 20 feet from the front of the house. It already has a visible above ground projecting surface root of 7 feet across the front lawn toward the house and poses a serious health and safety tripping hazard. It also prevents mowing and care of the front garden. (See Doc. 11 & 12). The tree is currently approximately 35-40 feet high and has an overall branch spread in excess of 20 feet, with branches extending 13 feet directly toward house from the trunk 20 feet away.

If the Cedar remains in situ and continues to grow to its full height of 130 feet the root spread of three times its height is likely, as well as increased branch spread. The subsidence will become a reality and the light to the house even further diminished along with severe and increasing restrictions to natural light to house and outlook. This particularly effects north facing front living room and bedroom. With the United Kingdom recently experiencing intense storms and high winds of up to 100 mph, there is a very real danger of the Cedar being toppled due to a shallow root system on heavy blue clay soil.

The imposed TPO on a non native tree in such a position does not add to the amenity value and devalues the property on which it is planted.

When Sutton Park was developed there were no TPO's on plot No. 15, however, several TPO trees were allowed to be removed elsewhere on the area of the development. No other property on Sutton Park has a tree directly in front of its living room window that would interfere with the enjoyment of their homes or right to light. The two objections to the removal of the Cedar come from properties that do not have large trees directly in front of a window. Neither of the objectors objected to the trees bordering the boundary of No.16 being removed even though they were more beneficial to wildlife and the environment, only the two that inhibit the enjoyment of No.15.

The poorly sited Cedar with a TPO imposed causes a great deal of mental anguish and inflicts ongoing costs and responsibility to the owner. The owner has the responsibility to mitigate against all health and safety issues to the general public and for the ongoing care of the tree and any damage caused by it with branches and roots extending directly toward the house. The E.C.D.C impose the TPO but has little responsibility. However , legislation states Councils are responsible for any foreseeable damage as pointed out in the application for removal of the Cedar.

The Tree Officer has taken no account of the effect of the imposition of the TPO on the occupiers of the property, Government Guidance notes Ref., para. 022 Ref.ID 36-022-20140306 (Guidance notes on what information the Tree Officer needs to consider including the land owner).

T1 Chanticleer Pear

Tree overhanging roof.



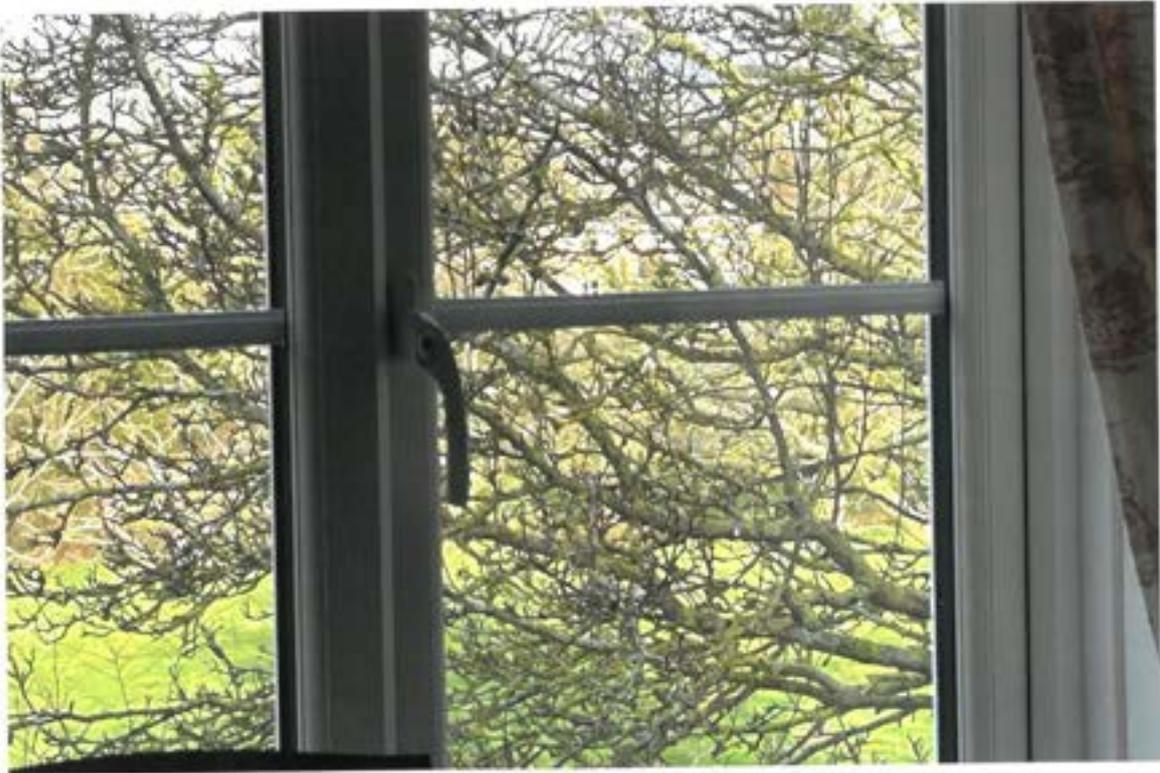
T1 Chanticleer Pear

Tree overhanging roof.



T1 Chanticleer Pear

View from bedroom window.



T2 Cedar

Outlook from living room.



T2 Cedar

Outlook from bedroom window.



T2 Cedar

Surface root growing toward house.



T2 Cedar

Surface root growing toward public footpath.



Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

T	Species	Height (app)	Dist from house	Dist from neighbour	Comments Reasons
1	Crow apple	6mts	3mts	0.5mts	Tree has an 8° lean toward house. Shade from overhang canopy. Possible fire hazard. Leaves frequently blocking gutters. Building insurance declaration within 5mts.
2	Maple	6mts	5mts	0.5mts	22° lean toward house, fall hazard, fire hazard & as above
3	Maple	9mts	7mts	0.1mts	Lean over garden with 5mt canopy spread, surface root over lawn, unsuitable for small garden, shade, leaf drop.
4	Supanore	9mts	8.5mts	1.0mts	Height, leaf & seed drop, unsuitable for garden
5	Spruce	4mts	5mts	5mts	Unsuitable for small front lawn, surface root of 2.5mts toward house, previous owner ignored advice of nurseryman to not plant as unsuitable. Difficulty mowing grass.
6	Beech	12mts	3.5mts	2mts	Very large tree overhangs roof & gutters of house, shade. Leaf drop, large root system near house
7	Silver Birch	8mts	2mts	2mts	Overhangs gutters, leaf drop, roots, possible fire hazard

CONSENT SOUGHT TO REMOVE TREES T1-T7 (7 TREES) & PLANT TREES MORE SUITED TO SMALL GARDEN (I.E. PAPERBARK MAPLE, MOUNTAIN ASH, SILK TREE, 5 VARIOUS FRUIT TREES OR DWARF STOCK. N NEW TREES TO PLANT IN DIFFERENT LOCATIONS. ↑ SUTTON PARK

