



Lisa Dixon – Director
The North Yorkshire Council
County Hall, Racecourse Lane
Northallerton, North Yorkshire
DL7 8AD

Stephen E T Legg
85 Thingwall Road
Irby
Wirral
CH61 3UB

4th July 2023

Dear Lisa

I am writing to object to the hastily prepared and implemented Tree Preservation Order dated the 16th June 2023, file reference PJM/3275. Individual sycamore tree TPO 2023/3 sited on land between 82 & 84 High Street Hinderwell.

Documents relating to the Tree Preservation Order are enclosed and state that the reason for the TPO is that the tree contributes significantly to the amenity value of this part of the North York Moors National Park.

Admittedly it is a mature sycamore tree which has caused no end of problems for us, the chapel and the council due to its location.

Due to complaints from the Chapel, we as the land owners have intended to take down this tree for some time to prevent damage being caused to the chapel, trees were cut back near the end of 2021.

The sycamore tree had to be cut back both by us as the land owners and by the council due to a risk of injury and actual damage / dampness to the to the wall and roof of the grade 2 listed chapel.

This will obviously continue to damage the structure of the chapel, in addition to this the roots of the sycamore tree spread just below the surface with a very real risk of damage to the perimeter wall and to the foundations of the chapel.

Sycamore trees are one of the most common trees to cause subsidence and root damage, they must be planted 5 metres away from a building or footpath. Due to these factors and those mentioned above, the tree would be classed as a danger to property.

The objection is it is an unreasonable risk in this case to put amenity value above protection of any building and in this case a protected grade 2 listed building and in doing so denying us the option to make safe the area and negate any blame or liability.

Trees can be and will be re planted appropriately but damage to buildings and without doubt listed buildings should be avoided at all costs.

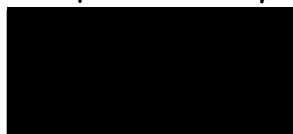
Prevention of damage and protection of heritage must surely be the preferred action in this case.

I can assure you that our family cares passionately about Hinderwell as we spent all our childhood holidays with our grandparents in Nun Close. Our Grandparents also gifted the land for the chapel to be built so we have a lot of history and continue to visit regularly.

I respectfully ask that you take into consideration my objections when making any final decision relating to this provisional Tree preservation Order 2023/3. (file reference PJM/3275)

Yours Sincerely

Stephen Eric Thompson Legg



TOWN & COUNTRY PLANNING ACT 1990

**TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

NORTH YORK MOORS NATIONAL PARK AUTHORITY

Land between 82 & 84 High Street, Hinderwell

TREE PRESERVATION ORDER 2023/3

NOTICE OF MAKING OF TREE PRESERVATION ORDER

NOTICE IS HEREBY GIVEN that on the 16 June 2023 the North York Moors National Park Authority in exercise of its powers as Local Planning Authority under the Town & Country Planning Act 1990, made the above Tree Preservation Order.

The Order took effect on a provisional basis on the 16 June 2023 and will remain in force for a period of six months from that date or until the date on which it is confirmed, whichever first occurs.

A copy of the Order and a copy of the Map referred to in its Schedule are enclosed with this Notice.

The tree covered by this Tree Preservation Order is situated on land at 82-84 High Street, Hinderwell in the North York Moors National Park.

The tree is a large, mature and prominent specimen overhanging the village's main street and is considered to contribute significantly to the amenity value of this part of the North York Moors National Park.

For these reasons it is considered that the tree should be retained for as long as its condition justifies and that, when the time comes for the tree to be felled, it should be replaced.

A certified copy of the Order and a certified copy of the Map referred to in its Schedule may be inspected during normal office hours at the offices of the North York Moors National Park, The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP.

Any objections or representation that you wish to make in respect of the Order must include a statement of the grounds on which the objection or representation is based, must specify the particular trees, groups of trees or woodlands in respect of which it is made and must be submitted in writing to the address below (quoting file reference PJM/3275) and must be received within the period of twenty-eight days beginning with the date on which this Notice is served.

DATED: 16 June 2023

LISA DIXON – Director, The North Yorkshire Council, County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AD

For and on behalf of the North York Moors National Park Authority

COPY OF COMPLAINT FROM METHODIST CHAPEL
(14/07/21).

To:

Mr G Legg
Calcoed Lane
Brynford
Holywell
Flintshire
CH8 8LE

Mr S Legg
85 Thingwall Road
Irby
Wirral
CH61 3UB

From:

Martin McLachlan
135 High Street
Hinderwell
Saltburn
North Yorkshire
TS13 5HQ

Re: HINDERWELL METHODIST CHAPEL

Dear Mr G Legg and Mr S Legg,

I am the Property Steward for Hinderwell Methodist Chapel and write to you on behalf of the Chapel Church Council. I write to you both as I am not sure which of you is responsible for the small section of land which adjoins the side of the Chapel schoolroom.

The lack of maintenance of that piece of land is such that it is now at risk of causing damage to the Chapel either directly or through increasing the risk of dampness. We would consider that liability for any damage caused by lack of maintenance of the land would lay with the landowner. I enclose photographs of the main areas of concern:

1) The area is so overgrown that all the air vents down the side of the schoolroom are blocked by vegetation.

2) The branches of the tree in the front corner of the paddock are close to touching the slates of the schoolroom roof. Although not actually touching now they are at risk of hitting the roof in strong winds with potential for causing damage to or displacement of the roof slates and require cutting back.

3) At the rear of the paddock the bushes and brambles are badly over grown up the side of the schoolroom kitchen and have grown over onto and are impeding the kitchen roof.

Could I please draw this to your attention and ask what plans you have for maintenance of this piece of land.

Yours sincerely,



**Martin McLachlan
Property Steward Hinderwell Methodist Chapel**

14/07/21

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Objection to Tree Preservation Order 2023/3



To:
North York Moors National Park
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

From
The Trustees of Hinderwell Methodist Chapel
C/O Martin McLachlan
135 High Street
Hinderwell
Saltburn
North Yorkshire
TS13 5HQ

NYMNP Reference: PJM/3275

Tree Preservation Order 2023/3

Land between 82 and 84 High Street, Hinderwell. The tree which is situated in the roadside corner adjacent to the side wall of the front Chapel/Schoolroom yard.

The Managing Trustees of Hinderwell Methodist Chapel, 84-88 High Street, Hinderwell, Saltburn, North Yorkshire, TS13 5ES unanimously object to the above tree preservation order. The Managing Trustees are responsible for the management, maintenance and repair of the Chapel and School Room. Hinderwell Methodist Chapel and School Room is a Grade 2 Listed building.

Grounds for objection are:

- 1) The tree is only 36 inches from the side wall of the front Chapel/School Room yard. This side wall is protected under the Grade 2 listing. Because of its proximity the tree is causing damage to this wall. It is causing the wall to bow out and crack.
- 2) The roots of the tree are causing cracking and movement of the base covering of the Chapel/School Room front yard; which has needed repair on a number of occasions.
- 3) The tree is only 78 inches from the front corner of the School Room which is protected under the Grade 2 listing. The closeness of proximity of the tree to the building causes a constant risk of the fabric and structure of the building being compromised and undermined by its root system.

4) The branches of the tree extend out over the slate roof of the School Room which is protected under the Grade 2 listing, and are now in such close proximity that there is the ever increasing risk of them contacting the slates of the roof causing damage to the roof especially in blustery or windy weather.

5) The tree is situated immediately adjacent to a street light which is in front of it. When left to grow it obscures and obliterates the light from that street lamp. As well as this affecting the general public using that pavement after dark, many of our congregation are elderly and proper street lighting of the pavement outside our premises is important to them when attending the premises for evening events after dark.

6) The preservation order states the ground that the tree 'is considered to contribute significantly to the amenity value of this part of the North York Moors National Park'. The Trustees would state that it does not contribute significantly to the amenity value of the area. There are very many far better specimens of tree both in that area of the village and throughout the village as a whole. The tree has to be kept so severely pruned back that it is misshapen and so is not attractive in its physical look. It also poses risk to the fabric of a Grade 2 listed building. It is a large tree that has been allowed to grow in the wrong place.

7) For a lot of years the owners of the land on which the tree stands have taken no care over its upkeep or maintenance of the tree at all. They have left it to become totally overgrown, and have taken no steps to prevent the tree posing risk to the School Room. Even maintenance of the tree to ensure the street light is unobstructed has had to be done by the Council and has not been done by the owners of the land. The Trustees in the past have (even though it was an empty threat as they could not afford the costs to carry it out) threatened the owners of the land with legal action over the lack of upkeep of the area and tree. These threats of legal action brought about no action on maintenance of the land and tree at all. One of the Chapel Trustees has been paying to upkeep the land at their own personal expense, so as to ensure damage to the School Room is not done. Placing a Tree Preservation Order on this tree will make it a lot more costly and convoluted process in order to do work upon it. If the owners (or any future owners) of the land fail in future years to take responsibility and manage this tree's maintenance, the Trustees of the Chapel simply do not have the finances to step in and fund this work. The Trustees will just have to let the tree grow and do whatever damage it will to their building.

8) The Trustees feel that this falls down to which is considered most important, the future protection of a Grade 2 listed building, or a tree which is in the wrong place, and not an attractive specimen, being protected as an amenity to the area.

Signed on behalf of all the Members and Trustees of Hinderwell Methodist Chapel



02/07/23

Martin McLachlan

Hinderwell Methodist Chapel Property Steward

Lisa Dixon – Director
The North Yorkshire Council
County Hall, Racecourse Lane
Northallerton, North Yorkshire
DL7 8AD

Valerie Joy Shaw
Rendova Farm
Powey Lane
Mollington
Chester
CH1 6LH

Your ref: PJM/3275

9th July 2023

Dear Lisa

Re: TPO 2023/3 -Individual sycamore tree sited on land between 82 & 84 High Street Hinderwell

I am writing to object to the above order.

Information I've received states the reason for the TPO is that the tree contributes significantly to the amenity value of this part of the North York Moors National Park.

The tree is a mature sycamore tree which sadly and undoubtedly is far too large for its current location and has caused no end of problems.

Due to complaints and major concerns on the effect it was having on the grade 2 listed Chapel, not just from overhanging branches which could be trimmed but from the damage and dampness caused by its proximity, we had intended to take it down at some point to prevent any more concerns of further damage occurring.

Hinderwell is very dear to our hearts as is the chapel itself which was built on land gifted by our family. We have fond memories of our childhood visiting with our grandparents at Nun House and we continue to visit the area whenever we can.

Due to the issues of the historic nuisance the tree has caused and will continue to cause, I was astounded to receive notice of this TPO, even more so with it being on a common sycamore tree. I live on a farm with numerous mature sycamore trees. Due to their widespread seeding, new ones sprout up everywhere and are very fast growing. We spend weeks every year removing any that are near walls, buildings and pathways due to damage from their troublesome roots. For this reason they seem only suitable for wooded areas of the farm. It would be far more sensible to maybe replace this tree with something more suitable for "urban living" due to its proximity to the High Street and buildings.

If this TPO goes ahead this tree will continue to cause damage and present a very real risk of endangering the perimeter walls and foundations of the Chapel.

Apparently, Sycamore trees are one of the most common trees involved in subsidence and root damage. Some recommend on planting min 5m from buildings, pathways etc. However, research has shown that 75% of problems occur with sycamore trees even at 9 metres from a building. Some Insurance companies even state a safe distance from a building for a sycamore tree at as much as 17 metres !

Due to these factors and those mentioned above, the tree should be classed as a danger to property.

My objection is that it is wrong to put amenity value above the protection of any building, especially in this case the grade 2 listed chapel, I hope you will take the above into serious consideration regarding confirming this TPO.

It is not a rare tree. Trees can be replaced but listed buildings are lost forever.

I also add that we have been looking to sell or develop the land for the leisure industry and our agent has already submitted a pre-application to the North Yorkshire Moors National Park detailing this which has been approved on principal with the Highways happy with the proposed access and egress. However, this sudden implementation of a TPO will impede access during the development stages of the site and it would appear to have been hastily put on by someone for this reason alone rather than truly for amenity. It is confusing that this has happened after the pre-application had already been considered and deemed suitable.

This aside, the true reason for my objection is the damage to the chapel but I cannot overlook the seemingly real reason it has been implemented so hastily. If any development went ahead, it would mean the addition of extra trees on the site for privacy and landscaping not less.

I lastly add that that when looking up for further information on this Order "2023/3" on your website I find it allocated to a totally different location – that of "South View, Gillamoore" ??

Kind regards

Yours Sincerely



Mrs V J Shaw

LISA DIXON - DIRECTOR
 THE NORTH YORKSHIRE COUNCIL
 COUNTY HALL
 RACECOURSE LANE
 NORTHALLERTON
 NORTH YORKSHIRE DL7 8AD

CLR GRAHAM LEGG
 CALCOT KENNELS
 CALCOED LANE
 BRYNFORD, HOLYWELL
 FLINTSHIRE
 CH8 8LE

Dear Lisa,

Since we were born, myself in 1959 we have spent most of our years visiting Hinderwell and wanted to make sure that any sale would be good for Hinderwell. Our Aunty who left us the field in her later days knew that we cared for the area that she was so proud of. I myself spent a lot of time in nun house and Stonegarth opposite which were both family properties in Hinderwell. In the last 15 years or so the tree Ref PJM/3275 has been an issue for both council and all in control of the Chapel which is grade 2 listed. The said tree which is a Sycamore is causing problems from both sides and we are willing to remove it and maybe replace in sensible area as to keep these buildings which are on land gifted by my family anyway. I understand the response from people who don't like change and those who have rented the field over the years but I can honestly say that our plans are in the interest of Hinderwell and were approved by National Parks at east. I Hope that you can understand our objections having gone through all proper procedures prior. We have letters from the Chapel.

Thanks Graham Charles Legg