

ITEM

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**NOTES OF THE TREE AND HEDGE APPEAL GROUP MEETING HELD ON 29
OCTOBER 2007**

**Hedgerow Removal Notice: H135 – Land between Tollditch and Fox Cottage,
Greenhill, East Allington**

Present: Cllr G J Fielden (Chairman)
Cllr J I G Blackler
Cllr B E Carson
Cllr L P Jones
Cllr A Ward

In attendance: Polly Stone (Tree Officer)

Members were informed that a removal notice had been received from Mr & Mrs Sabater who had submitted additional correspondence which, along with a letter from East Allington Parish Council, was circulated prior to the meeting.

The Tree Officer explained that when considering whether to serve a Hedgerow Retention Notice, the Council was guided by the Hedgerow Regulations. In deciding whether to issue a hedgerow retention notice, the presumption was in favour of protecting and retaining important hedgerows unless the local planning authority was satisfied that the circumstances justified removal of an important hedgerow. The circumstances in which removal of an important hedgerow is allowed to proceed are likely to be exceptional. For instance, if there were overriding arguments of public safety, or if removal of the hedgerow would be in the wider public interest.

The Council was required to analyse the hedge against eight criteria which were set out in Appendix 1 to the presented report. Field and desk studies had been conducted and analysis concluded that the hedgerow was considered to be 'important' under both Criteria 7 and 8. Following preparation of the Officer's Statement, correspondence was received from the Devon Record Office (as tabled to the group) which indicated the presence of the hedgerow on the 1840 tithe map. It was therefore deemed that the hedgerow was also classed as 'important' under Criterion 6.

The land was recently acquired by the applicants and planning approval had recently been granted for the construction of some stables. There was an existing exit straight on to the B road leading from the A381 in to East Allington. The proposed hedge removal would allow the applicants pedestrian access to the field via a green lane. Vehicular access to this lane stops opposite Fox Cottage.

During discussion, reference was made to:-

- a.) whether access to the field could be gained via neighbouring landowner's property;

- b.) whether a possible precedent had been set. Members were informed that a gateway had recently been created further along the lane adjacent to Fox Cottage. The Tree Officer explained that this gateway had been constructed without reference to this Council and hence it was now under investigation as a potential breach of the Hedgerow Regulations;
- c.) the likelihood that all horse riders at some point have to venture onto busy roads and the potential for the access to be turned into vehicular rather than pedestrian access in the future for ease of access to the stables.

In conclusion, whilst sympathising with the applicants, the Group did not feel the circumstances were exceptional enough to warrant removal of the hedgerow.

It was then unanimously:

RESOLVED

That a Hedgerow Retention Notice be served in respect of the hedgerow subject to Hedgerow Removal Notice H135 on land between Tollditch and Fox Cottage, Greenhill, East Allington.