

Trees - frequently asked questions

Protected trees - Tree Preservation Orders (TPOs) and conservation areas

Where can I get a copy of a Tree Preservation Order? And how much will it cost?

Copies can be inspected at our offices in Cirencester during normal office hours. It would be helpful if you could give a day's notice for the document to be made available. For people living in the North Cotswolds, arrangements can be made for a copy to be viewed at the council's office in Moreton in Marsh.

You can also purchase a copy of a TPO at a cost of £5 (or £10 for the extensive Upper Rissington TPO), payable in advance.

How do I make an application to carry out works to a tree protected by a Tree Preservation Order?

Apply online at <https://www.planningportal.co.uk/applications>

How do I make a notification to carry out works to a tree in a conservation area?

Apply online at <https://www.planningportal.co.uk/applications>

What is the fee for a Tree Preservation Order application or conservation area notification?

There is no fee for TPO applications or notifications to carry out works to protected trees.

How long will it take to obtain a decision on my application or notification?

In the case of TPO applications we have eight weeks within which to reach a decision. If you do not receive a decision within eight weeks, you have the right to appeal to the Secretary of State for non-determination of your application. Go to: <https://www.gov.uk/topic/planning-development/planning-permission-appeals>. We aim to provide you with a decision as quickly as possible and you will normally get a decision letter on your TPO application within about four to six weeks, provided no complicated issues have arisen.

In the case of conservation area notifications, we have six weeks within which to reach a decision. If you do not receive a decision within six weeks, you can carry out the proposed works. We aim to provide you with a decision as quickly as possible and you will normally get a decision letter on your conservation area notification within about one to three weeks, provided no complicated issues have arisen.

Who is consulted on tree works applications and notifications?

Tree Preservation Order applications are advertised on our website to provide the opportunity for anyone to comment. Parish and town councils are consulted directly on TPO applications and have three weeks within which to comment.

Conservation area notifications are shown on our website but there is normally no fixed consultation period. We do not consult automatically on all notifications, but we do consult parish and town councils on notifications that affect significant trees. We may also consult councillors, amenity societies and neighbours where we consider that this will provide useful additional information in helping us to reach a decision. Normally, the consultation period is one week.

What can I do if my Tree Preservation Order application is refused?

If your application is refused you have the right to appeal to the Secretary of State within 28 days of the decision date. For further information on how to appeal go to: <https://www.gov.uk/appeal-decision-about-tree-order>.

Will I have to plant new trees to replace any that are removed?

It is normally beneficial to plant new trees to replace any that have been removed, however you are only obliged to do so if there is a condition on your permission to carry out works to a protected tree that states you must plant a replacement. The condition will normally specify the type and size of tree and where it must be planted.

If you remove a protected tree because it is in a conservation area we cannot condition a re-plant unless the tree was removed under the "dead and dangerous" exemption to the notification process.

Will the council pay for any works that are needed to my protected tree?

No. The owner of the land on which the tree is growing remains responsible for the tree(s) and their management.

Trees owned by Cotswold District Council

How do I find out if a tree belongs to Cotswold District Council?

We own trees in council car parks, around leisure centres and on a few other sites across the district. Trees next to a public highway are probably in the ownership of Gloucestershire County Council Highways and trees in parks usually belong to town and parish councils. If you need to check whether a tree belongs to us, email planning@cotswold.gov.uk. It will make it easier to check if we own the tree if you can provide a clear address or plan of the location of the tree.

What should I do if I want a council owned tree pruned or felled?

Firstly, you will need to make sure that we own the tree - we do not own many trees. Once you have established that the tree belongs to us, you should email us at planning@cotswold.gov.uk to explain your concerns. We will need to know the address/location of the tree, the problems that the tree is causing and what action you would like us to take.

In line with our tree management principles we will only consider pruning or felling a tree if it is causing damage (e.g. there is evidence of subsidence), the tree is a risk to property or people, or for the benefit of the health and public amenity of the tree. We will not carry out works to a tree to improve TV satellite reception, minor over-shading, blocking views etc.

Trees owned by neighbours and others

How do I find out who owns a tree(s)?

Trees next to a public highway are probably in the ownership of Gloucestershire Council Council Highways and trees in parks usually belong to town and parish councils.

Some trees in car parks, around leisure centres etc. are in our ownership.

You can check the ownership of land with the Land Registry at https://eservices.landregistry.gov.uk/eservices/ECHOM_HomepageServices. There is a charge for this service and not all properties are registered.

Parish and town councils can also be a good source of information on land ownership; alternatively, ask those who live near the site.

What do I do if I think my neighbour's tree is dangerous?

The first step is to contact your neighbour and explain your concerns to them and ask them to take action. It may help if you have taken expert advice from an independent tree expert or arboricultural consultant, who can advise on the safety of the tree and any necessary remedial works.

If your neighbour will not take action it may be useful to contact a third party, for example a parish councillor or tree warden who may be able to persuade them.

As a last resort, and if the tree is very dangerous, you can contact us, but our powers are quite limited in forcing owners to take action to make their trees safe.

What do I do if my neighbour's tree is over-shading my garden?

You have the right to cut any branches back to the boundary of your property, provided that you offer to return those branches to the owner of the tree. It is always advisable to contact your neighbour before carrying out such work as it may be better for the tree if work is carried out from the trunk side of the boundary.

Remember that you will still need consent from the council to carry out any work to a tree in a conservation area or that is protected by a Tree Preservation Order.

You should ensure that the work you carry out does not make the tree dangerous or lead to its death, as you could be liable.

You cannot force your neighbour to carry out pruning works to the tree within their property just because it is over-shading your garden, however they may be more than willing to carry out this work if they fully understand the extent of the over-shading in your garden, especially if you offer to pay a share of the costs.

My neighbour's tree is over-hanging my garden, can I cut it back?

You have the right to cut any branches back to the line of the boundary of your property, provided that you offer to return those branches back to the owner of the tree. It is always advisable to contact your neighbour before carrying out such work as it may be better for the tree if work is carried out from the trunk side of the boundary.

Remember that you will still need consent from the Council to carry out any work to a tree in a conservation area or that is protected by a Tree Preservation Order.

You should ensure that the work you carry out does not make the tree dangerous or lead to its death, as you could be liable.

What do I do if my neighbour's tree is causing subsidence to my property?

The first step is to contact your insurance company and follow their advice. They may arrange for a specialist to investigate the potential causes of any subsidence.

Please be aware that the tree may be protected by a Tree Preservation Order or be located within a conservation area.

My neighbour claims that my tree is causing subsidence to his property, what should I do?

In the first instance you should contact your insurance company and follow their advice. Please be aware that the tree may be protected by a Tree Preservation Order or be located within a conservation area.

What is the maximum height that my neighbour can grow trees in his/her garden?

In general, there is no specific limit to the height a tree is allowed to grow.

What do I do if I think a tree near a road or footpath is dangerous?

You should contact Gloucestershire County Council Highways and/or the owner of the tree if it is not owned by the County Council. You can report a problem on the highway at:
<https://www.gloucestershire.gov.uk/highways/roads/your-highways-report-it/>

If the tree is imminently dangerous, you should contact the emergency services to ensure that the area is made safe as soon as possible.

Hedges

Are hedgerows protected?

Hedgerows on non-domestic land (i.e. around fields and along roadsides) are usually protected by the Hedgerow Regulations 1997. See <http://www.legislation.gov.uk/ukxi/1997/1160/contents/made>

To let us know online if you want to remove a section of such hedgerow, visit <https://www.planningportal.co.uk/applications>

Hedges around and within gardens are exempt from the Hedgerow Regulations.

What is the law regarding high hedges?

Part 8 of the Anti Social Behaviour Act gives councils powers to deal with formal complaints about high hedges. The legislation makes it clear that a council can only become involved once all attempts at negotiation have been exhausted.

For trees to be considered a "high hedge" they must be:

- made up of a row of two or more trees
- more than two metres in height
- capable of obstructing light or views
- evergreen or semi-evergreen
- growing on land owned by someone else

I want to cut an existing hedge that may have nesting birds. When can I do this?

It is against the law to disturb any nesting birds, including eggs and active nests. You are advised to avoid carrying out the works between 1st March and 31st September, which is the main nesting season. If you feel the work must be done during the nesting season you are advised to employ an ecologist who will survey the hedge and advise you. Please be aware that some birds nest outside the main nesting season and those nests and nesting birds are also protected. Further information is available from the RSPB at <https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/plants-for-wildlife/garden-hedges/hedge-law/>

Tree planting and care

Are there any grants for tree planting or management?

We do not provide any tree planting or management grants.

How do you plant a tree?

There are many books and web-sites that provide information and advice on planting trees, for example <https://www.woodlandtrust.org.uk/plant-trees/advice/> and <https://www.tcv.org.uk/>.

How do I prune a fruit tree?

There are many books and web-sites that provide information and advice on pruning fruit trees, for example, http://www.bbc.co.uk/gardening/basics/techniques/pruning_prunefruittrees1.shtml. If you would prefer to have an expert carry out this work you could appoint a tree contractor or horticulturalist to prune your fruit trees. It is important to check that they are experienced in this type of work.

How do I decide what sort of tree to plant?

There are thousands of types of trees that you can plant and the choice can be bewildering. There are some important principles that you need to consider, for example:

- How large do you wish the tree to grow?
- Do you want to avoid having to prune the tree regularly?
- Do you want to attract wildlife by planting native or fruit/seed bearing trees?
- Do you want to get a crop from your tree?
- Do you want autumn or spring colour?
- Do you want a tree that does not shed leaves in the autumn?
- What type of soil will the tree be growing in?
- How damp or dry is the soil?
- Do you want to avoid plants that have poisonous seeds, flowers etc.?

There are many books and websites that provide information and advice on choosing trees, for example <https://naturenet.net/trees/newtrees.htm> and <https://www.woodlandtrust.org.uk/plant-trees/advice/>.

How can I get involved in tree planting and care?

There are a number of voluntary organisations that help to care for trees, for example The Cotswold Tree Wardens. Visit <https://www.tcv.org.uk/> and <https://www.gloucestershirewildlifetrust.co.uk/>.

Where can I go to see woodlands and trees in Cotswold District?

There are many beautiful woodlands in the district, a large number of which are accessible from public rights of way. Information on public rights of way can be obtained from <https://www.gloucestershire.gov.uk/highways/public-rights-of-way/>. Some woodlands are also specifically open to the public.