

# Hinckley & Bosworth Borough Council

## IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

### TOWN AND COUNTRY PLANNING ACT 1990 ("the Act")

#### TREE REPLACEMENT NOTICE

Issued by: Hinckley and Bosworth Borough Council ("the Council")

**1. This is a formal notice** served by the Council under section 207 of the Act because it appears to them that there has been a contravention of a Tree Preservation Order (TPO) as outlined in section 206 of the Act. The Annex at the end of the Notice contains important additional information.

#### 2. THE LAND AFFECTED BY THIS NOTICE

Land at The Cedars Lodge, 142 Shilton Road, Leicestershire, LE9 8BN shown edged red on the attached plan ("the Plan").

#### 3. REASONS FOR SERVING NOTICE

A Horse Chestnut tree protected by a TPO was felled on the grounds as alleged by Neil Harbour of Harbour Tree Care Services Limited, in his '5 - day notice' (5 working days) submitted to the Council on the 7 May 2025, that the tree had become dangerous. The tree was felled on the 12 May 2025, day 3 of the 5 day notice without the Council's consent.

An inspection of the site by the Council's tree officer on the 14 May 2025 (day 5 of the 5 – day notice), confirmed that the Horse Chestnut tree had been felled in contravention of Section 171 of the Act.

Under section 207 of the Act if a tree is destroyed in contravention of section 206 of the Act, the local planning authority can serve a Notice to require the appropriate replacement planting to compensate for the loss. The Council considers the replanting of a tree as specified in section 4 below, will compensate for this loss.

Extract from Google Street view 2022 and a photograph taken on 14 May 2025 showing missing tree are attached as Appendix 1 of this notice.

A copy of the relevant TPO is attached as Appendix 2 of this notice.

#### 4. WHAT YOU ARE REQUIRED TO DO

Supply and plant a native Beech tree (*Fagus sylvatica*), specified as an Extra Heavy Standard with a girth of 14–16 cm, height of 4.5–6.0 m, and supplied in a 55L container. This specification offers an appropriate level of restitution in terms of both landscape character and ecological value. The planting area will require suitable preparation prior to installation, which may include pit enlargement, soil improvement, or other modifications to support healthy growth. Additionally, the replacement tree must be correctly staked and provided with adequate aftercare, including regular watering and monitoring to ensure successful establishment.

The replacement tree is to be planted at the place shown marked with a red cross on the attached Plan.

#### Time for compliance

Within 3 (three) months from the date stated in paragraph 5 below.

#### 5. WHEN THIS NOTICE TAKES EFFECT

On the **2<sup>nd</sup> January 2026** unless an appeal is made against it beforehand.

Dated: **26<sup>th</sup> November 2025**

Signed:



Ed Stacey, Planning Manager (Development Management)

on behalf of Hinckley & Bosworth Borough Council

#### ANNEX

#### YOUR RIGHT OF APPEAL

You can appeal to the Secretary of State against this notice by writing to the Planning Inspectorate.

**Your appeal must be received, or posted in time for it to be received, before the 2<sup>nd</sup> January 2026.**

You can appeal on any one or more of the following grounds:

(a) The provisions of the duty to replace trees or, as the case may be, the conditions of consent requiring the replacement of trees, are not applicable or have been complied with.

- (b) In all the circumstances of the case the duty to replace trees should be dispensed with in relation to any tree.
- (c) The requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it.
- (d) The planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry.
- (e) The place on which the tree is or trees are required to be planted is unsuitable for that purpose.

You must also state the facts on which your appeal is based.

#### **FAILURE TO COMPLY**

If you do not comply with this notice, the Council may enter the land, plant the tree(s) and recover from you any reasonable expenses incurred.

#### **ADVICE**

If you have any questions about this notice or would like some advice on how to comply with it, please contact:

Christine Zacharia, Team Leader Planning Enforcement  
Email: [planning.enforcement@hinckley-bosworth.gov.uk](mailto:planning.enforcement@hinckley-bosworth.gov.uk)  
Mobile: 07917710727  
Address: Hinckley & Bosworth Borough Council  
Hinckley Hub, Rugby Road, Hinckley, Leics LE10 0FR

#### **PERSONS SERVED WITH THIS TREE REPLACEMENT NOTICE**

The Owner, Occupier, and any other person with an interest in the Land, at Cedars Lodge, 142 Shilton Road, Leicestershire, LE9 8BN,

Nigel Keith Barnett, Cedars Lodge, 142 Shilton Road, Barwell, Leicester LE9 8BN

Sharon Duncombe, Cedars Lodge, 142 Shilton Road, Barwell, Leicester LE9 8BN.

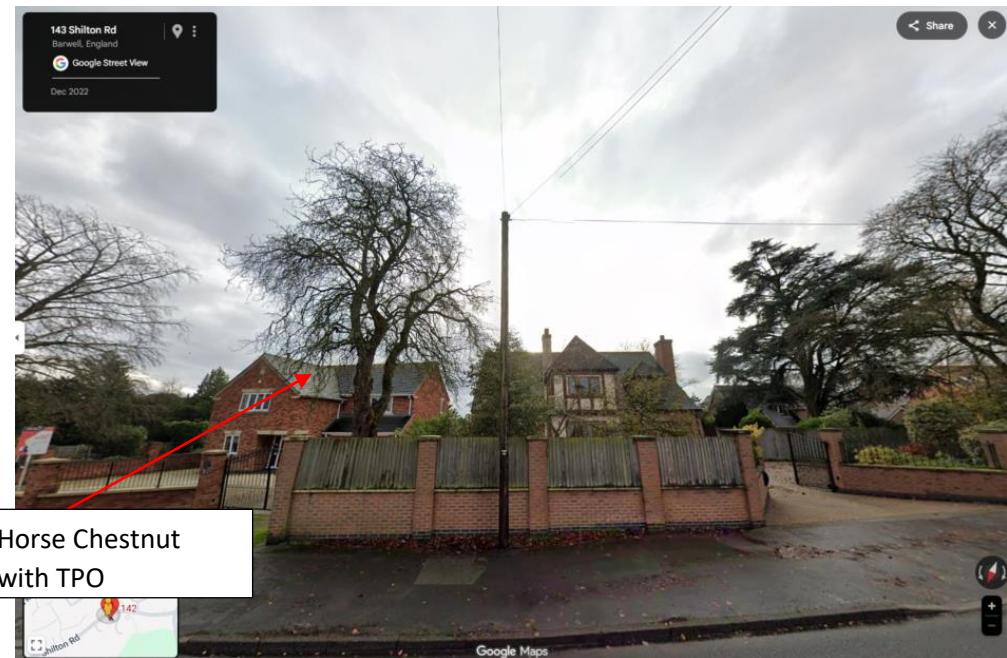
#### **The Plan**

Land at Cedars Lodge, 142 Shilton Road, Barwell, Leicester LE9 8BN



## Appendix 1

Google Streetview December 2022 showing Horse Chestnut tree with TPO at on land at Cedars Lodge, 142 Shilton Road, Barwell, Leicester LE9 8BN



Photograph taken on the 14 May 2025 showing evidence of missing Horse Chestnut tree on land at Cedars Lodge, 142 Shilton Road, Barwell, Leicester LE9 8BN

