

Reference No:	TPO/2026/0004
Proposal:	To give long-term protection to the Silver Birch tree shown as T1 on the Tree Preservation Order (TPO) map and schedule The tree is considered to enhance the amenity of the area.
Address:	Church of The Holy Rood, Church Road, Shillingstone
Recommendation:	To confirm the Tree Preservation Order without modification
Case Officer:	Bo Walsh
Ward Member(s):	Cllr Stephen Murcer

Publicity expiry date:	10/03/2026	Officer site visit date:	Photos available
Decision due date:	10/08/2026		

MAIN REPORT

1.0 REASON FOR REFERRAL TO COMMITTEE

The Tree Preservation Order (TPO) made *provisionally* on 10 February 2026 has been referred to committee by the service manager, given the number of third-party representations received (7) in objection.

The TPO was applied to the tree in response to a tree works application proposing the felling of the Silver Birch in the Shillingstone Conservation Area.

Once a TPO is made the Local Planning Authority has a duty to consider representations received before deciding whether to confirm the TPO or to not confirm.

The confirmation of the TPO must be considered before the expiry of the six month period **10 August 2026**. Confirmation places permanent statutory protection on the subject tree.

2.0 DESCRIPTION OF SITE AND SURROUNDINGS

The site is the churchyard of the Church of the Holy Rood, Shillingstone within the curtilage of the Conservation Area. The churchyard contains the church, footpaths and a number of mature trees including the Silver Birch, a Copper Beech, Yew and Lawson cypress among others.

3.0 PROPOSAL

The proposal is to confirm the TPO without modification to the map and schedule.

As part of the TPO making procedure, the Silver Birch tree was assessed using the nationally recognised Tree Evaluation Method for Preservation Orders assessment (TEMPO). This assessment has been developed to provide a transparent and objective means of evaluating and considering the merits of trees and whether their amenity value is such that it warrants protection. It is split into different aspects of the amenity value and identifies a scoring system. A minimum of 12 points is required.

The Silver Birch tree in the churchyard was assessed as an individual tree and the score given based on condition, retention span, public visibility, and expediency. The Silver Birch tree scored 17, placing it in the category “definitely merits TPO” or “TPO defensible” (**see appendix A**).

The appended map and schedule (**see appendix B**) identifies the species and location of the tree to be covered – i.e. T1. Birch.

4.0 POLICY CONTEXT

The purpose of a TPO is to preserve trees and their amenity value.

The Procedure for making a tree preservation order is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Local Planning Authorities can make a Tree Preservation Order (TPO) if it appears to them to be *'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'*. In this respect, *'expediency'* means that there is a risk of trees being felled or pruned severely so as to spoil the amenity of the trees or be detrimental to the health of the trees. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.

An Order comes into effect on the day that it is made. Once made, the land-owner and interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.

5.0 CONSULTATIONS – All consultee responses can be seen in full on the website

Consultees Shillingstone Parish Council and Ward Member- comments received

Councillor Murcer – Objections

- Insufficient weight given to preservation of a grade 1 ancient building
- the preservation of a building of national importance should outweigh the preservation of a tree with lifespan of 20-40 years
- If there is any suggestion the tree is damaging the property the risk to national and historic building should be mitigated by the removal of the tree. The PCC are motivated by their statutory duty to ensure that this ancient monument is maintained and protected and are willing to plant a replacement tree.
- The tree is not an important visual feature within the immediate and wider surrounding area. Limited views from further afield due to the church and other large specimen trees. Within the churchyard it is one of 15 trees and not remarkable.
- The tree officer's report is selective and omits conclusion that it would be prudent to remove the tree due to proximity to buttress foundations. Reference to other technical (NHBC) and other guidance raises questions about the tree in question and influence on the church's structure.

- Missing technical opinion / advice from Planning Conservation Team.

Shillingstone Parish Council – Objections

- The application to remove the tree was following a report from a commissioned Structural Engineer to Shillingstone Parochial Church Council. This was commissioned following the advice of a conservation-qualified architect due to cracking in the Chancel Arch of this Grade I Listed church. The report states that a possible causes of the cracking in the Chancel Arch was caused by: 1. Birch and conifer trees near building 2. Leaking surface water drainage. The report advises to remove birch, reduce conifer, repair or renew soakaway then monitor.
- The PCC are custodians of this Grade I Listed building and have a statutory duty to ensure it is maintained and protected as does the Dorset Council in its duty to ensure this occurs. The Church has an extremely limited financial budget that relies heavily on charitable donations. The removal of this tree before the situation worsens could potentially save the Church from future costly repairs.
- The duty to preserve the listed building's fabric often outweighs the "amenity" value of the trees. Birch species are moderate-to-high water-demand trees capable of causing soil shrinkage and subsidence in clay soils. Historic churches often have shallow foundations and fragile masonry. Silver birch root systems can cause soil desiccation, subsidence, and damage to heritage structures. A claim that a tree is causing damage to property is a valid ground for objection.
- It is the view of the Parish Council, that there is **no public amenity** value of this tree, one of 15 in the Churchyard, in terms of views from either within or outside of the application site, This tree is situated close to the church building and is situated amongst other mature trees in a wider green setting. Public views and therefore wider amenity value are very limited by its location.
- Missing technical opinion / advice from Planning Conservation Team
- Public views and therefore wider amenity value are limited by its setting.

Representations Received

Shillingstone Parochial Church Council – Objections

- Potential and foreseeable structural damage
- Conflict with listed building legislation, and inconsistency with national and local planning policy concerning heritage protection and risk-based tree management.
- The application for the removal of the tree was made following a report from a commissioned Structural Engineer. This was commissioned following the advice of a conservation-qualified Architect due to cracking in the Chancel Arch of this Grade I Listed church. The report states that a possible causes of the cracking in the Chancel Arch was caused by: 1. Birch and conifer trees near building 2. Leaking surface water drainage. The report advises to remove birch, reduce conifer, repair or renew soakaway then monitor.
- Conflict With Statutory Duty to Protect a Grade I Listed Building
- Structural Risk: Relevant Technical Guidance; NHBC Standards Chapter 4.2 identifies birch species as moderate-to-high water-demand trees capable of causing soil shrinkage and subsidence in clay soils.
- Under Government Guidance relating to Tree Preservation Orders and trees in conservation areas, a claim that a tree is causing damage to property is a valid ground for objection. The continued growth of this tree, and the restrictions a TPO places on its management, poses an unacceptable risk of structural failure to the historic fabric of the building
- It should be considered that the duty to preserve the historic fabric of a Grade I Heritage Asset should outweigh the amenity value of the tree. By protecting a tree that actively threatens the

"significance" of a Grade I Listed building, the Council is failing to comply with National Policy.

- Amenity Value - The Tree Officer details that "the subject tree is a fine specimen and mature in age showing good bud and vigour". However, no assessment of the public amenity value in terms of views from either within or outside of the application site have been assessed. This tree is situated close to the church building and is situated amongst other mature trees in a wider green setting.

Third party representations

The Council have received 4 letters of Objection to the TPO

The main reasons for the objections include:

- The tree blocks views across the Stour River
- The tree is making subsidence / damage worse -consultant engineer's professional opinion / advice includes removal of the tree
- The church community cannot afford a written report to confirm the cause of the damage. Or wish for additional repair costs.
- Grade I listed building (Heritage Value) and its preservation far outweighs the loss of one birch tree.
- The tree is damaging the foundations and threatening the structure of the building near the Chancel Arch (cracking in several places)
- Insufficient funds to pay for further technical reports.
- Conflict with Statutory Duty to Protect a Grade I Listed Building
- Future risk if the tree remains

Appraisal

The Local Planning Authority has a duty to protect trees that are of significant amenity value / public benefit, unless overriding reasons should prevent this.

Amenity – Dorset Council Tree Officers apply the TEMPO method which evaluates the amenity of subject trees.

The Silver Birch tree under discussion provides amenity to the Churchyard and public visiting the Church via the existing public footpath network. The tree is also clearly visible when using Google streetview. It is accepted that the tree is not visible from further afield due to the terrain, the church building and presence of other trees. It does however contribute positively to the setting and tranquillity of the Churchyard and the TEMPO scoring (Appendix A) undertaken during assessment of the initial application to fell the tree P/TRC/2026/00297 reflects this.

Assessment of Evidence of Any Overriding Reasons to Prevent Protection

Three pieces of evidence have been provided in opposition to the TPO being confirmed: the **Quinquennial Inspection Report from July 2022 produced for Holy Rood Church; the Maintain Drains communication produced for Shillingstone Parochial Church Council in July 2025; and the Structural Engineers report produced for Shillingstone Parochial Church Council in January 2026.**

The Quinquennial Inspection Report from July 2022 cites issues that required urgent / immediate or ongoing maintenance.

Observations / Recommendations within the report made by Crickmay Stark Architects and

considered to be of relevance include:-

“...movement is occurring in proximity to a large fir tree. I recommend that *the cracks are pointed in and the date recorded in the log book*, and the tree be heavily pruned (subject to advice from an arboriculturist, and consent if/as required).

.....it likely that the cracking noted to the internal and external walls of the chancel and also the dampness at low-level, particularly at the southeast corner of the chancel *could be due to defective drainage*.

There are downpipes which discharge to either side of the buttress to the south of the chancel arch. One enters directly into the ground so its condition cannot easily be determined and the other was choked with debris at the time of inspection. *If these drains are not functioning properly, water will be soaking into the ground and over time it will dissolve soluble salts and carry them away leaving tiny voids into which small particles could fall, and then be washed away leaving larger voids, and so on... until the bearing capacity of the ground is reduced.* I recommend a camera survey of the drains be commissioned.”

“Another likely cause is that the trees growing in close proximity to this part of the church are causing the movement either directly by growth of the roots or by altering the moisture content of the ground and causing it to shrink and expand seasonally. *I recommend that initially a camera survey be undertaken of the drains to establish their condition and if they are found to be blocked or broken they be cleared and/or repaired. If the drains are in good order then the most likely cause of the structural movement is the trees, and consideration could be given to pruning or removing them.* Consent will be needed for works to the trees as the church is in a conservation area.”

Recommendations (extracts) from the Quinquennial Report :-

Urgent, requiring immediate attention:

- Clear gullies and drains
- Repair and redecorate rainwater goods
- Remove high level vegetation and point open joints
- Prune / remove trees
- Camera survey of drains

The following maintenance should be undertaken as a matter of routine:

- Clearing of all rainwater goods (gutters, valleys, secret gutters, hoppers, downpipes, etc to all parts of all buildings - the tower, lychgate(s). etc)
- Clearing of drainage
- Inspection & pruning of trees NB. Consent is required if the church is in a Conservation Area or there are Tree Preservation Orders.

The Maintain Drains communication states inspection of the site and summary of findings. The focus was on the area around the two downpipes either side of the buttress. CCTV survey from the middle gulley line.

“The system wasn’t running properly on arrival, but we were able to restore some flow following root cutting....the line is in a poor state with heavy root ingress and multiple collapsed sections identified.....The condition overall suggests the system requires repair.

We’d recommend full replacement of the affected gullies and pipework.”

The Structural Engineer Derek Williamson – (email and report)

“The subsidence could have 2 possible causes, the first being the silver birch and conifer trees have reduced the moisture content of the underlying silty day sub-soils resulting in localized settlement due to shrinkage.

The possible cause is the leaking surface water drainage softening the underlying clays or possible greensand weakening of the soil structure locally.

....that it would be prudent firstly to remove the silver birch tree as it is within influence of the buttress foundations. Please note that the contractor should at this time confirm if the sub-soil is silty clay or sandy clay.

If the sub soils are confirmed to be clay, then I would recommend leaving the repair of the cracking for a minimum of 18 months after the removal of the birch tree and pruning of the fir tree.

The drainage should be repaired and / or replaced into a new soakaway 5 metres from the building if the soakaway is blocked.”

Assessment of Provided Evidence

Tree Officer – Bo Walsh

From the evidence provided it can be seen that the Church is suffering structural damage which needs to be repaired to preserve the Grade 1 nationally important building.

The nature / cause of the damage is attributed by the structural engineer to potential causes being the influence of tree(s) and leaking drainage. The Quinquennial Inspection Report in 2022 recommended further investigation at that time, including a camera survey, to assess the most likely cause of the damage. No evidence has been provided to the Council in respect of such further investigative work having been recorded.

Internal and External cracks have been identified / described however it appears that these have *not been “monitored”* to establish whether they are progressive in nature eg. by placing ‘tell-tales’ across a crack it can be determined whether the crack is increasing, static, or opening and closing at certain times of the year.

Silver Birch trees are not, in the Tree Officer’s experience, widely cited as being the cause of significant structural damage relating to subsidence events. They are low-moderate in water demand and do not have extensive root systems in the same way as Oaks, Poplars or Maples for example.

The subject tree is mature for its species and is not in a fast-growing phase of its life-cycle (which means its water demand would be lower than a young, maturing tree).

Subsidence is recognised as being a problem where shrinkable clay soils (those with a high plasticity index) are affected below the foundation level of buildings.

When trees are implicated it is quite often through root activity – water abstraction to support growth of leaves, etc – seasonally, causing the drying / shrinking of clay soils and subsequent movement of the ground at foundation level (downwards).

There has been no evidenced examination of the soils at this site to identify the soil type or presence of shrinkable clay. This would normally be undertaken by way of digging trial pit(s)/borehole to the depth of foundation and below. These can also be useful to ascertain the presence or absence of tree roots (which can then be identified as to which tree they belong to) and

to analyse the water content of the soil to establish any drainage issues.

Subsidence can also be attributed to issues such as collapsed drains / leaking pipes – defective systems.

It is the Tree Officer's opinion that insufficient evidence has been provided to categorically conclude that it is definitely the tree that is causing the structural issues and that the drainage investigations should take place in the first instance.

Senior Conservation and Design Officer (DC) - Lucie Bruce

The Church of the Holy Rood is a Grade I listed building, and in the Shillingstone Conservation Area.

The churchyard and trees around the church contribute to its special character and setting in this rural area. The chancel arch is dated from the C14.

From the visit inside the church, it is clear that there are cracks on both sides of the chancel arch, but from visual inspection, the cracks seem to run through the plaster and not through the masonry as they are not apparent on the voussoirs. No other cracks were seen at lower level.

I am not a structural engineer, but from experience it is unlikely that root movement from the tree through the church foundation, would only cause cracks to the upper parts of the masonry wall. As such, the seriousness and depth of the cracks and their cause should be assessed. I would highly recommend for a structural engineer to undertake a full inspection, taking advantage of the scaffolding currently in place for the roof.

If water ingress is undermining the structural soundness of the masonry this should also be addressed as a matter of urgency.

Issues with the drain running by the buttress have been highlighted and a full replacement of gullies and pipes recommended. I would also suggest that this is done before considering actions on the tree.

The scaffold was hiding the south aisle of the buttress, therefore the external masonry could not be seen properly.

Finally, I would highly recommend that the DAC Secretary and members undertake a visit and are involved in the discussion. DAC members are often architects or engineers who should be able to provide some sound advice.

6.0 OTHER CONSIDERATIONS

7.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

TPOs, protect selected trees and woodlands if their destruction or removal would have a significant negative impact on the local environment and its enjoyment by the public. The retention of these amenity trees will bring a reasonable degree of public benefit in the present or future.

This recommendation is based on adopted good practice and does not prejudice the Human Rights of the applicant or any third party.

8.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The confirmation of a Tree Preservation Order will result in no actual works being undertaken as a result of the designation. It is therefore not considered that this will result in any disadvantage to people with a protected characteristic.

9.0 Financial benefits

There are no financial implications for the Council at this stage.

10.0 Climate Implications

The benefits provided by trees are significant. Their role in helping to regulate the climate is well documented and the value trees provide is recognised within the ‘England Trees Action Plan 2021-2024’.

11.0 SUMMARY

It is important to assess and weigh up the evidence provided to support the removal of the Silver Birch tree in the churchyard as it has been cited as a potential cause of subsidence related structural damage to the Church itself. At the present time it is not considered that robust evidence has been provided to indicate that the tree is causing damage to the church.

Dorset Council follow the guidance in nationally recognised protocols - such as the London Tree Officer’s Association – **Joint Mitigation Protocol** as well as the evidence that might be required to support applications implicating Tree Preservation Order (TPO) trees.

- In this case officers do not consider that sufficient evidence has been provided to support the removal of the Silver Birch (T1). Evidence that has not been provided includes:-
- **Damage Detail.** BRE 251 classification, date damage first occurred/noted
- **Building Foundations.** Plan and profile of the building and foundations with details of any previous underpinning or building work. (Accepted that some notes regarding repointing of

masonry have been submitted)

- **Trial Pits/Boreholes.** The profile of a trial pit/borehole excavated to identify foundation type and depth and soil characteristics.
- **Roots.** The location and identification of roots found including from beneath underside of foundation.
- **Monitoring and Seasonal Movement.** Measurement of the extent and distribution of vertical movement using both crack monitoring and level monitoring that demonstrates seasonal movement and resultant continuing damage. When level monitoring is not possible, state why and provide crack monitoring data that also demonstrates seasonal movement.

Data provided must be sufficient to show a pattern and frequency of movement consistent with the presence of the implicated tree(s) over a period of time sufficient to demonstrate seasonal movement.

- **Soil.** The sub-soil characteristics including soil type (particularly that on which the foundation rests), liquid limit, plastic limit and plasticity index.
- **Arboricultural Report.** A report from an Arboriculturist supporting the tree work proposals including arboricultural options for avoidance or remediation of indirect tree related damage. NB. This is important as submitted documents and history include reference to the “fir” tree and potential impact / management.

***Additional information** (i.e. that might need to be taken into account)

- ***Heave Assessment.** Where tree removal is proposed, a heave assessment should be submitted in the Engineer’s or Chartered Surveyor’s report.
- ***Level distortion survey.** A structural assessment used to measure deviations in the verticality of walls and variations in horizontal levels. It helps determine whether distortions may be caused by subsidence or structural defects.

CONCLUSION

The Silver Birch tree subject to this “provisional” TPO is considered to be under threat.

Due to its contribution to the amenity of the location it is considered to be expedient / prudent to afford the Silver Birch tree long-term protection - in the absence of conclusive evidence that the tree is causing subsidence or that its removal is necessary to carry out repairs to the Church.

12.0 RECOMMENDATION

That the TPO be confirmed

TREE EVALUATION METHOD FOR PRESERVATION

SURVEY DATA SHEET &

Date: 5 February 2026	Surveyor: Sandie Saunders
Tree details TPO Ref (if applicable): TPO/2026/0004 Owner (if known):	Tree/Group No: T1 Species: Silver Birch Location: Church Of The Holy Rood Church Road Shillinastone

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
5

** 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
2

**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
4

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 | <table border="1" style="width: 100%; text-align: center;"> <tr> <td>Score & Notes</td> </tr> <tr> <td>1</td> </tr> </table> | Score & Notes | 1 |
| Score & Notes | | | |
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| 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 redeeming features (inc. those of indifferent form) | | | |
| -1) Trees with poor form or which are generally unsuitable for their location | | | |

Part 2: Expediency assessment

TREE EVALUATION METHOD FOR PRESERVATION

SURVEY DATA SHEET &

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

5

Part 3: Decision guide

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

Add Scores for Total:

17

Decision:

Definitely merits TPO

Appendix B

Schedule

Specification of trees

Trees specified individually.
(Encircled in black on the map)

Reference on map and description	Situation
T1 – Silver Birch	Church grounds as per map

Trees specified by reference to an area
(Within a dotted black line on the map)

Reference on map and description	Situation
None	N/A

Groups of trees
(Within a broken black line on the map)

Reference on map and description	Situation
None	N/A

Woodlands
(Within a continuous black line on the map)

Reference on map and description	Situation
None	N/A









