

YOU ARE ADVISED TO READ THIS LEAFLET BEFORE EXCHANGING CONTRACTS

So, you've found the house of your dreams... but what about the garden? Did you notice the trees? They may be in the new garden or growing on land beyond the boundary of your new property.

Attitudes to trees vary throughout the world. In the U.S.A. for example, mature trees increase property values; in Germany people enjoy living in close proximity to them. In this country, largely due to ill-informed media articles, the presence of nearby trees often leads to unnecessary concerns.

Trees can affect the future enjoyment of your property and garden and this leaflet is designed to make you aware of the possible consequences of living with trees, particularly those that are protected by a Tree Preservation Order (TPO) or in a Conservation Area.

The Legal Bits...

Following your local search your solicitor should obtain a copy of any Tree Preservation Order affecting your property. The protected trees are described in the Order and illustrated on a plan. Your solicitor can also explain the legal implications. It is an offence to remove or carry out work on a protected tree without first obtaining the consent of the Local Planning Authority.

Trees may be protected either individually, as a group, as a woodland, or enclosed within an area.

The new house will not necessarily appear on

the plan if it was built after the Order was made, and although there may be no trees on your property it may be affected by protected trees growing on adjoining land.

Your property may be situated in a Conservation Area and this will also be revealed on your search. If it is, you are required to give 6 weeks notice in writing of any proposed tree work to the Local Planning Authority. In an emergency shorter notice will be accepted.

Am I likely to be able to fell the tree?

Anyone can apply to the Local Planning Authority for consent to fell a protected tree and each application is considered on its merits. A decision will normally be made within 6 weeks.

The existence of a Tree Preservation Order means that the tree is of significant amenity value within the immediate area, and amounts to a statement by the Authority that the tree is intended to remain unless there is a justifiable reason for its removal.

So can I top it?

An assessment will be made of the effect of your proposals on the health and appearance of the tree. Certain procedures are considered unacceptable - topping is one of them.

What can I do?

If you do not believe you can live in your proposed new home without major tree removal, then you may wish to reconsider your decision to buy the house. You are not just buying the house - you are also buying the trees. They come as part of the package, not an optional extra!

MESSAGE

If you don't like the trees - don't buy the property. Do not assume that you can move in and then prune or fell the trees.

What problems are the trees likely to cause?

- Trees are the largest living organism, and leaves, twigs, seeds, fruit litter, pollen, and dead branches are a normal consequence of living with trees. They are not sufficient justification for felling or pruning.
- Trees cast shade, which will increase as they grow. Evergreens cast shade all year round and leaf litter decomposes slowly. If they are on the south side of the house, they will affect the amount of sunshine you get.
- Lawns tend to be patchy underneath tree canopies.
- Gardening beneath trees can however provide an opportunity to grow shade-loving shrubs.
- It is not a good idea to site a greenhouse beneath the canopy of a tree - falling fruit and debris could damage the glass.

Will the roots undermine my new property?

This will depend on the distance of the tree from the property and the species, but in practice it is most unlikely. Any prospective purchaser should obtain a full structural survey.

The drive is cracking, can I replace it?

Yes possibly - BUT - you may not be allowed to:

- Sever the roots
- Fell the tree
- Use the surface of your choice

What if the tree is dangerous?

Public safety is paramount, but you will have to satisfy the Local Planning Authority that there is clear evidence that the tree poses a danger. In these circumstances the Authority is unlikely to refuse consent to remove it.

Please Note: A tree is not necessarily considered dangerous because of its height and spread.

So why would anyone want a tree in their garden?

It's not all doom and gloom!
People come to Ryedale because of its pleasant environment. You could be one of the fortunate people to own an important tree.

Trees

- Reduce carbon dioxide levels
- Filter and absorb pollution
- Absorb noise
- Produce oxygen
- Reduce the stress of modern lifestyles
- Encourage wildlife
- Have an aesthetic value
- Offer shade and shelter
- Give privacy from being overlooked

IMPORTANT
Most trees have the potential to outlive both ourselves, and the homes we live in.

Trees are our past, present and future and deserve our care and respect.

If you feel you are not able to offer them this basic care, please do not take on this responsibility.

With acknowledgements to East Dorset District Council

Buying a Tree with a House in the Garden?

Advice for new and prospective homeowners and their solicitors

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