



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Tree Preservation Orders



1. A Tree Preservation Order (TPO) is an order made by an Authority in respect of a tree(s) because the tree is considered to bring amenity value to the surrounding area. The order makes it an offence to cut down, uproot, prune, lop or damage the tree in question without first obtaining the Authority's consent. A TPO can apply to a single tree, a group of trees or woodland.
2. Section 70 of the Town and Country Planning Act 1990 (the Act) as amended by the Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017 gives Local Authorities powers to deal with applications for consent to carry out works on or remove trees protected by preservation orders, to make decisions and issue consents with or without conditions. Section 78 gives people who are unhappy with a council's decision a right of appeal to the Welsh Ministers.

3. Do I have the right to make an appeal?

- 3.1. You, or an agent acting on your behalf, can appeal if you were the person who made the application for the works on the tree.

4. Reasons for the appeal

- 4.1. An appeal against an Authority's decision may be brought against any of the following:
 - the Authority's refusal of consent.
 - any condition attached to the Authority's consent.
 - the Authority's refusal/failure to notify the applicant of their decision within 8 weeks from the date they received the application, (in these circumstances the application is deemed to have been refused).
 - The Authority's failure to agree a matter that required their agreement under the terms of a condition of consent.
- 4.2. You cannot appeal:
 - if you wish to object to a TPO;
 - if you are objecting to Natural Resources Wales' refusal of a felling licence application (even where the tree in question is covered by a TPO).

5. How do I appeal?

- 5.1. Your appeal should be made on the TPO appeal form obtained from PINS Wales. The appeal form is available online, please use the link below. If you require a hard copy please contact us. Before completing the appeal form please [Annexe 01 How to Complete and Submit Your Appeal](http://gov.wales/desh/publications/planning/planning-YourAppeal). <http://gov.wales/desh/publications/planning/planning-YourAppeal>.

[inspectorate/10336365/tree-preservation-and-replacement-appeals?skip=1&lang=en](https://www.planninginspectorate.gov.uk/10336365/tree-preservation-and-replacement-appeals?skip=1&lang=en)

- 5.2. If appealing against a refusal of consent to fell a tree or against a condition requiring replacement planting you should indicate the species and size of any tree(s) you would be prepared to plant if the appeal were to be allowed.
- 5.3. When submitting your appeal you need to specify clearly the works for which consent is sought. If your appeal does not specify the proposed works clearly enough it will be deemed invalid and we will turn it away. An application to “cut back” or “lop” some branches will be considered to be too vague and would be turned away because it doesn’t indicate the extent of the works.

6. Procedure

- 6.1. The Welsh Ministers have delegated the appeal functions to the Planning Inspectorate Wales “PINS Wales”. The procedures are set out in the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017, specifically Part 4 (Written Representations) Regulation 22. For further information on the procedures please see the main [Procedural Guide](#) and [Annexe 02](#).