

The Town & Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

TREE PRESERVATION ORDER

TPO NO. 463 – MILLER HOWE HOTEL, WINDERMERE

CONFIRMATION OF ORDER

This Order was confirmed by the Lake District National Park Authority without modification as an unopposed Order on the 7th day of November 2023



Authorised by the Authority to sign in that behalf

**TOWN AND COUNTRY PLANNING ACT 1990
THE LAKE DISTRICT NATIONAL PARK AUTHORITY (MILLER HOWE HOTEL,
WINDERMERE) TREE PRESERVATION (NO. 463) ORDER 2023**

THE LAKE DISTRICT NATIONAL PARK AUTHORITY, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order:-

Citation

1 This Order may be cited as The Lake District National Park Authority (Miller Howe Hotel, Windermere) Tree Preservation (No. 463) Order 2023.

Interpretation

- 2(1) In this Order "the Authority" means the Lake District National Park Authority.
- 2(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

- 3(1) Subject to Article 4, this Order takes effect provisionally on the date on which it is made.
- 3(2) Without prejudice to subsections (7) of section 198 (Power to make Tree Preservation Orders) or subsection (1) of section 200 (Tree Preservation Orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall –
- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage, or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the Authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4 In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated the 2nd day of June 2023

Signed on behalf of the Lake District National Park Authority



Authorised by the Authority to sign in that behalf

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Oak tree	Situated on the south eastern boundary of Miller Howe Hotel, as shown on the plan.
T2	Horse Chestnut tree	Situated on the south eastern boundary of Miller Howe Hotel as shown on the plan.
T3	Monkey Puzzle tree	Situated on the northern side of the main hotel building, as shown on the plan.
T4	Maple tree	Situated on the northern side of the main hotel building, as shown on the plan.

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

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
N/A		

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

<u>Reference on Map</u>	<u>Description (including no of trees in the group)</u>	<u>Situation</u>
G1	3 x Beech trees 1 x Birch tree 1 x Monkey Puzzle tree 1 x Cedar tree 1 x Horse Chestnut tree	Situated on the eastern boundary of Miller Howe Hotel, as shown on the plan.

Woodlands
(within a continuous black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
N/A		

HUMAN RIGHTS ACT 2000

I have been asked to exercise the power delegated to me by the Authority to make the following Tree Preservation Order ("TPO"):

TPO 463 Land at Miller Howe Hotel, Windermere.

Having considered the Tree Officer's reasons for making the TPO, I make the above TPO.

In coming to this decision, I have carefully considered Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998.

Whilst I recognise that the decision to make the TPO may interfere with the two aforementioned rights, I believe it is necessary to do so in the public interest so that others can enjoy the considerable amenity value and benefits afforded by the tree(s) and likewise necessary for the protection of the rights and freedoms of others (i.e. the inhabitants of the area) to enjoy the tree(s) in their present settings. I also consider such action to be proportionate to the overall aim.

Signed:



An Authorised Signatory

Date:

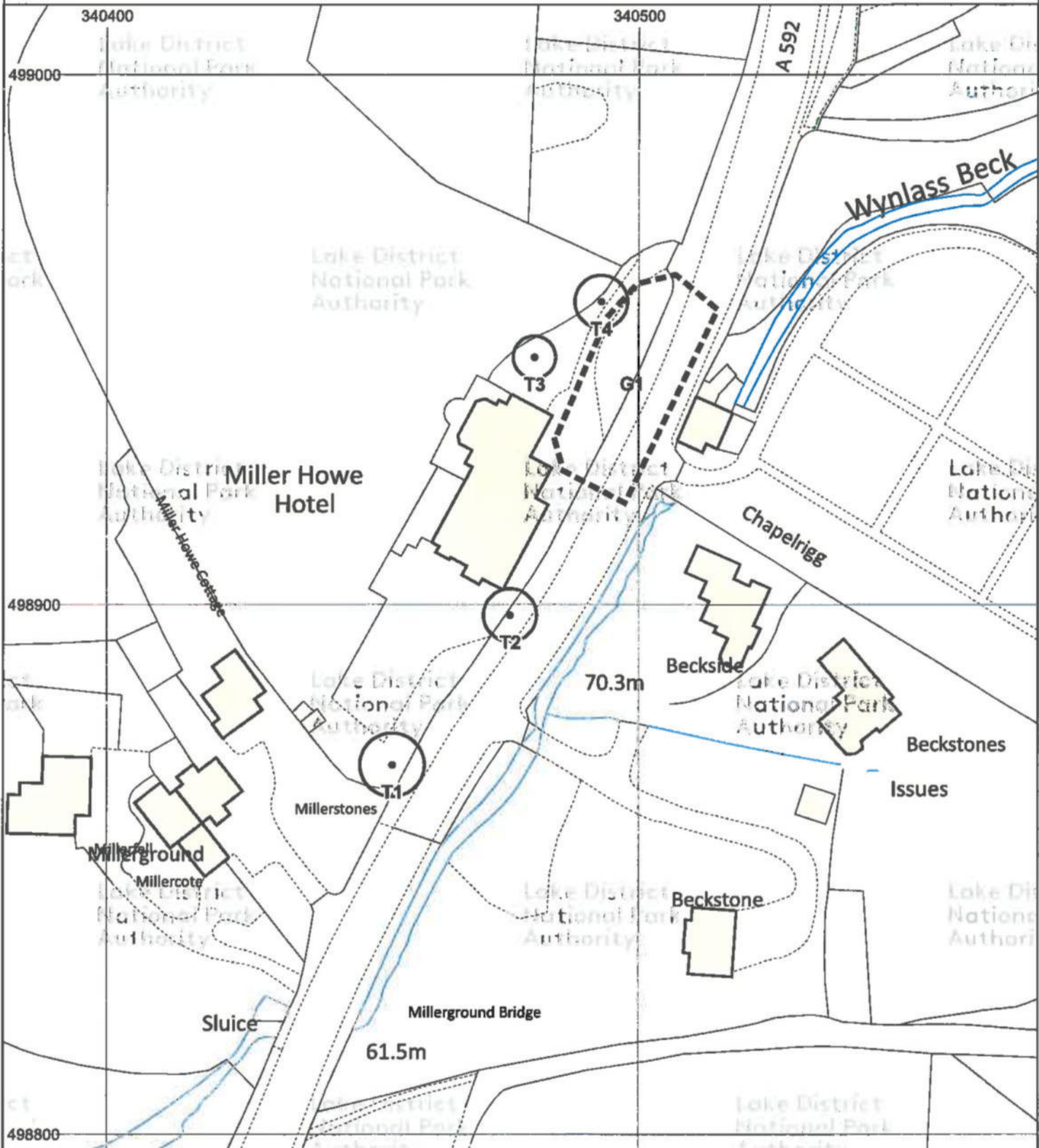
2 June 2023

THE LAKE DISTRICT NATIONAL PARK AUTHORITY (Miller Howe Hotel, Windermere) TREE PRESERVATION (No. 463) ORDER, 2023

Town and Country Planning Act 1990



Lake District
National Park



Individual tree



Group

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Centre of map:
SD 4047 9890

0 10 20 m



Scale at A4: 1:1,000

