

THE LAKE DISTRICT NATIONAL PARK AUTHORITY (DOVE CRAGG, WINDERMERE) TREE PRESERVATION (NO. 493) ORDER 2026

1. Summary

- 1.1 The scheme of delegation for Tree Preservation Orders (TPOs) enables us to serve TPOs. This report notifies you of the serving of TPO 456 and asks you to make a decision on its confirmation. We are proposing to confirm as an opposed, modified Order. The deadline for confirmation of this Order is 8 October 2026.

RECOMMENDATION:	<i>Confirm with modification THE LAKE DISTRICT NATIONAL PARK AUTHORITY (DOVE CRAGG, WINDERMERE) TREE PRESERVATION (NO. 493) ORDER 2026</i>
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REPORT:

2. Background

- 2.1 This matter is being reported to Committee because the Lake District National Park Authority (LDNPA) has received two objections to the Order.
- 2.2 The Order relates to a property which lies within the parish of Cartmel Fell. Dove Cragg is a property situated within a woodland and groups of trees. It is part of a landscape which is verdant in character with large tracts of woodland. Dove Cragg itself abuts the A592, the main road that travels parallel to Windermere. The property is in an elevated position and benefits from having views of the lake when looking in a westerly direction. The dwellinghouse appears to require extensive renovation and is uninhabitable in its current condition.
- 2.3 The site is for sale.

- 2.4 The site advertisement contains such phrases as 'Whether you to choose to stick with the current property and simply renovate, add an extension or knock it down and start again, what really matters is the 2.14 acre plot and the view of Lake Windermere.' and 'At the moment the gardens and grounds are seriously overgrown but cut back would reveal the potential for landscaping to create the perfect setting for your Lakeland home and it would also open out the glorious view.'
- 2.5 With these statements in mind, plus a site visit which established the highly treed character of the site, it was understood that the property is highly constrained by surrounding trees. The trees and woodland on site, which are material constraint to development, were therefore identified as being vulnerable to foreseeable direct and indirect harm from any future development activities that might result from the sale of the property.
- 2.6 On 8 April 2026 the Lake District National Park Authority (Dove Cragg, Windermere) Tree Preservation (No. 493) Order 2026 was made and served. During the course of this provisional Order two letters of objections were received. A copy of the Order is attached as Annex 1. The statement of reasons that accompanied the Order is attached as Annex 2.

3. Representations

- 3.1 Two objections were received. One from Geoff and Sally Taylor jointly with their company Taylor Country Homes Ltd and the other objection was from Hough Tullet Ltd, the planning consultant of Geoff and Sally Taylor.
- 3.2 The representations are appended in full at Annex 3.
- 3.3 As a result of information within the objection from Mr and Mrs Taylor and Hough Tullet a site meeting was arranged. The meeting was an opportunity to discuss the points within the objections as well as reassessing and refining which trees are suitable for protection by the TPO. I proposed that Mr and Mrs Taylor and their arboricultural advisor create their own draft TPO plan for consideration.
- 3.4. Following the site visit and discussions I created a draft TPO plan which is shown in Annex 4. If members decide that the TPO should be confirmed, then I recommend it is confirmed using this plan. You will note that the site remains largely covered by W1 although the area it covers has been reduced in size and restricted to the area that shows the characteristics of a woodland system. This does include areas which have historically had paths and garden features within them, as part of a woodland garden. Three groups have been identified as being more ornamental in nature and acting as a cohesive group of trees. And there is a single individual tree which was suggested for retention by Mr and Mrs Taylor.
- 3.5 It will be noted that an area of tree cover has been omitted from the western side of the main dwelling. This area was another portion of the site which is a treed garden. Many of the trees in this area are old coppice stools that require bringing into management and after discussion with Mr and Mrs Taylor it was considered reasonable to offer this group of trees to be left out of the TPO for the new owners to manage as they wish. There is also a large spruce tree growing in close proximity to the northern elevation of the dwelling; this is not

included in the TPO as it is outgrowing its location and is over dominant on the dwelling.

- 3.4 As per 3.3 Mr and Mrs Taylor had their own draft TPO plan produced, this is shown in Annex 5. The level of tree and woodland protection proposed by objectors (as compared to the protection I am proposing) varies most significantly by the site entrance and in the woodland tract that covers the western portion of the site to the edge of the A592. No consideration of amenity value or expediency was included with this proposed plan.

4. The process for making a tree preservation Order.

- 4.1 If it appears to a Local Planning Authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an Order with respect to such trees, groups of trees or woodlands as may be specified in the Order (Town and Country Planning Act 1990, S198).
- 4.2 Once made a Tree Preservation Order immediately prohibits the cutting down, topping, lopping, uprooting, wilful damage, or wilful destruction of trees without consent.
- 4.3 If a Tree Preservation Order is not confirmed within six months of being made, it ceases to have effect. An Order may be confirmed with or without modifications.
- 4.4 Before a Tree Preservation Order is confirmed the Local Planning Authority must have considered duly made objections and representations.
- 4.5 TPO 493 was made as a woodland Order which protects all trees within the site. We use the woodland category where the site features indicate that a woodland is present. This category protects all trees of whatsoever species and stage of maturity.

5. Assessment

5.1 There are two key considerations in deciding whether to make or confirm an Order:

- Amenity
- Expediency

5.2 'Amenity' is not defined in law. Government advice (set out in National Planning Practice Guidance) is that tree preservation Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before we make or confirm an Order we should be able to show that protection would bring a reasonable degree of public benefit in the present or future, taking into account: visibility; individual, collective and wider impact; any other relevant factors.

5.3 Expediency is a judgment to be reached based on the circumstances of the case. Government advice (set out in National Planning Practice Guidance) is that although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management. It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. It is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

- 5.4 We also have a legal duty in exercise of our functions under the planning acts to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees, and to make tree preservation Orders as appear to be necessary in connection with the grant permission, whether for giving effect to such conditions or otherwise.

Amenity

- 5.5 The Order protects woodland, tree groups and individual trees. The woodland can be described as mature deciduous woodland which is well established as a woodland system comprising of younger to mature trees. This woodland continues over adjacent sites and is part of a wider network of woodlands along the eastern shore of Windermere. Two of the groups of trees are positioned either side of the site entrance and another group of trees and an individual tree form part of the wooded garden on the southern boundary of the site. The groups and individual are more ornamental in their character than the woodland but nonetheless all contribute highly to the wooded nature and public amenity value of the area.
- 5.6 The site as whole is highly prominent in the landscape, especially when approaching from the west along the busy A592 which abuts the woodland edge on the western boundary of the property. A public footpath runs approximately 100m to the north and east of Dove Cragg. Birks Road and Park Cliffe Campsite and Caravan Park also offer views into Dove Cragg. The site is also highly visible as part of the wider landscape including from viewpoints on the western shore of Windermere and the lake itself where the site is identifiable as part of a tract of woodland. The highly treed nature of the site provides a positive contribution to the landscape character and visual amenity of the area and is very effective in contributing to the screening of built structures within proximity of the site.

- 5.7 There are other woodlands and trees protected by TPO within close proximity to Dove Cragg reflecting the high level of public amenity value in the area. It is in the interests of amenity for this protected woodland to be retained.

Expediency

- 5.8 It is expedient to confirm the TPO due to potential pressure on the trees at Dove Cragg which could result from the sale of a property with an inhabitable dwelling and perceived opportunity to redevelop the site. Pressures which could arise include: undue removal of trees to open views; removal of trees to eliminate a perceived barrier to redevelopment opportunities; impacts as a result of poor construction practices; and pressures to fell or prune due to perceived proximity to buildings.
- 5.9 The TPO does not exist to prevent development at Dove Cragg rather it ensures that trees are suitably considered in the event that planning applications are received. In addition, if planning applications are approved, then the TPO ensures that measures to protect trees from harm can be effectively secured, protecting the important amenity woodland and trees from undue harm. Without TPO 493 there would be limited formal control over the removal of trees. The suggested TPO plan submitted by objectors indicates potential desire for a reduction in the level of tree stock that will be visible in public places. In addition, the reduction in the extent of the edge of W1 could impact negatively on the dynamics of the remaining woodland, leaving it vulnerable to a further reduction in size. This demonstrates the expediency of confirming the TPO. If we fail to confirm the Order, the woodland and trees appear vulnerable to adverse effects which threaten them long-term, to the detriment to public amenity.
- 5.10 It is in the interests of expediency for these protected trees to be retained.
- 5.11 Annex 6 shows the results of a Tree Evaluation Method for Preservation Orders (TEMPO) which is a systemised assessment tool for TPO suitability.

6. Conclusion

- 6.1 The trees subject to TPO 493 make an important contribution to the amenity of the Cartmel Fell area and the Lake District National Park. The woodland and trees are clearly visible and have high amenity value, contributing positively to local landscape and the character of the area. The loss of woodland and trees has been demonstrated as a real possibility and would be detrimental to the public amenity value of the area. The TPO does not prevent reasonable tree and woodland management and does not prevent a planning application from coming forward.
- 6.2 For the reasons above, and taking into account objections, it is considered expedient in the interests of amenity to confirm the Order with modifications as per annex 4.

RECOMMENDATION:	<i>Confirm with modification THE LAKE DISTRICT NATIONAL PARK AUTHORITY (DOVE CRAGG, WINDERMERE) TREE PRESERVATION (NO. 493) ORDER 2026</i>
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Annex 1

**Confirm with modification THE LAKE DISTRICT NATIONAL PARK AUTHORITY
(DOVE CRAGG, WINDERMERE) TREE PRESERVATION (NO. 493) ORDER 2026**

Annex 2

Statement of reasons

Annex 3

Objection from Mr& Mrs Taylor and Taylor Country Homes Ltd

Annex 4

Objection from Hough Tullet Ltd

Annex 5

LDNPA Draft TPO Plan

Annex 6

Mr and Mrs Taylor Draft TPO Plan

Annex 7

Tempo

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

Town and Country Planning Act 1990

TREE PRESERVATION ORDER

TPO NO. 493 – Dove Cragg, Windermere

TOWN AND COUNTRY PLANNING ACT 1990
THE LAKE DISTRICT NATIONAL PARK AUTHORITY (DOVE CRAGG, WINDERMERE)
TREE PRESERVATION (NO. 493) ORDER 2026

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 (Dove Cragg, Windermere) Tree Preservation (No. 493) Order 2026.

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 8th day of April 2026

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>
None		

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>
None		

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>
None		

Woodlands
(within a continuous black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
W1	Mixed species woodland	Situated across the site of Dove Cragg, as shown on the plan

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 No. 493 Land at Dove Cragg, 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 trees and likewise necessary for the protection of the rights and freedoms of others (i.e. the inhabitants of the area) to enjoy the trees in their present settings. I also consider such action to be proportionate to the overall aim.

Signed: 
.....
An Authorised Signatory

Date: 8 April 2026

THE LAKE DISTRICT NATIONAL PARK AUTHORITY

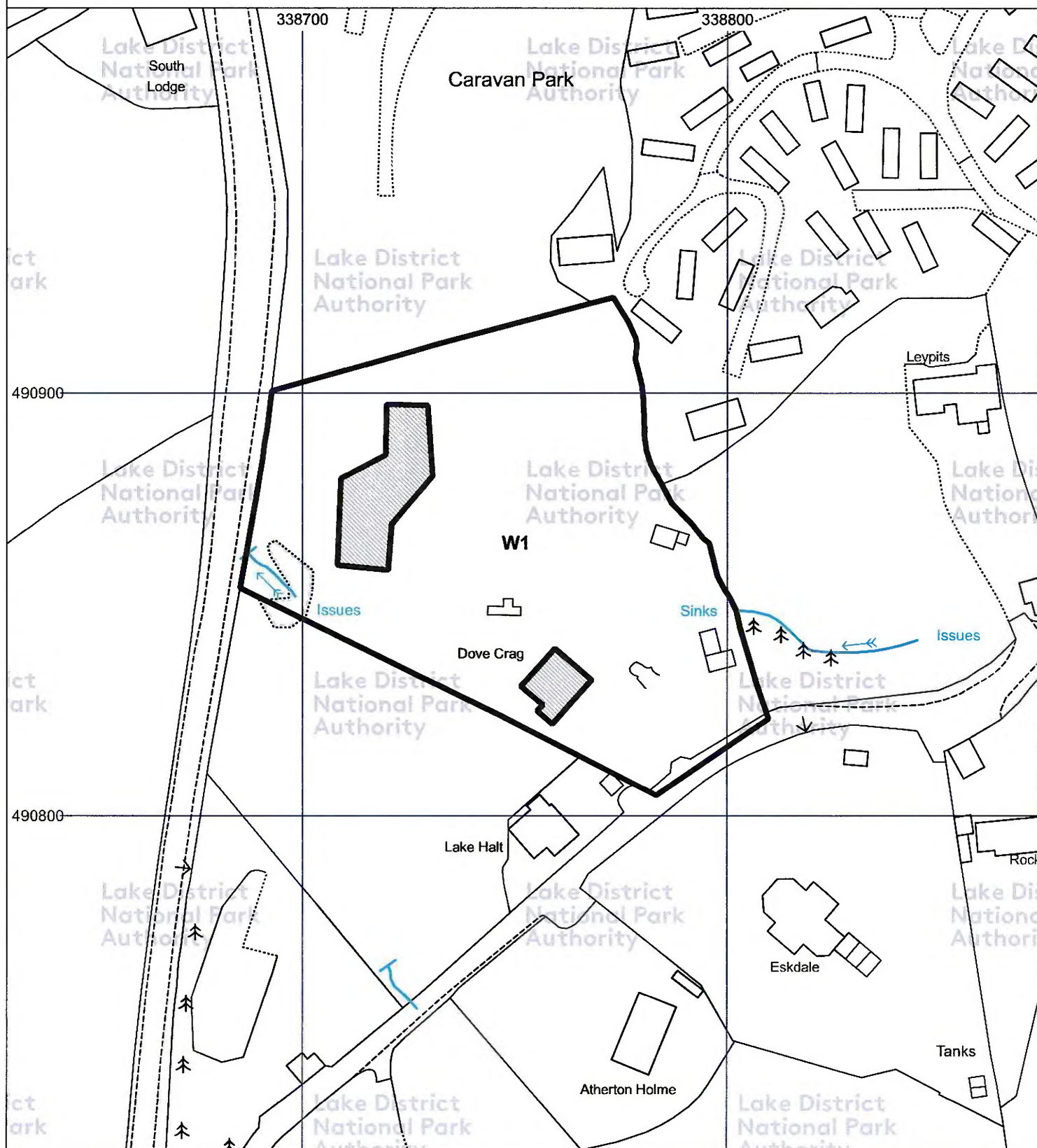
(Dove Crag, Windermere)

TREE PRESERVATION (No. 493) ORDER, 2026

Town and Country Planning Act 1990



Lake District
National Park



Woodland



Excluded area

Tree Preservation Orders © Lake District National Park Authority 2026

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Centre of map:
SD 3875 9085

0 10 20 m

Scale at A4: 1:1,250



THE LAKE DISTRICT NATIONAL PARK AUTHORITY (Dove Cragg, Windermere) TREE PRESERVATION (No. 493) ORDER, 2026

Legal Background

Government guidance states that Local Planning Authorities should use Tree Preservation Orders to protect trees where their removal would have a significant impact upon the local environment and its enjoyment by the public.

Background and Proposal

Description of site and any relevant planning history:

Dove Cragg is a property situated within a woodland, on the fringe of the towns of Windermere and Bowness, amongst large tracts of woodland that have national importance in being designated as Ancient Semi Natural Woodland (ASNW). The property itself abuts the A592, the main road that travels parallel to lake Windermere. The property is in an elevated position above the lake and benefits from having views of the lake when looking in a westerly direction. The dwellinghouse appears to require extensive renovation and is uninhabitable in its current condition.

The property was recently put up for sale and has now been sold. There is no planning history on record within the LDNPA system relating to the site.

Reason(s) why TPO is being considered – eg. Application, enquiry, suggested by member of public:

The Authority's Built Environment Officer, Rose Lord highlighted to the Trees and Woodlands Officer, Lucy Saunders that the site was for sale.

The site advertisement contains such phrases as 'Whether you to choose to stick with the current property and simply renovate, add an extension or knock it down and start again, what really matters is the 2.14 acre plot and the view of Lake Windermere.' and 'At the moment the gardens and grounds are seriously overgrown but cut back would reveal the potential for landscaping to create the perfect setting for your Lakeland home and it would also open out the glorious view.'

With these statements in mind, plus the site visit which established the highly treed nature of the site which includes trees in close proximity to the dwelling house, it can be understood that the property is highly constrained by surrounding trees which may become directly or indirectly vulnerable to any development activities within the site.

Site visit and what was found

Who visited and when?

Site first visited by Lucy Saunders on 18 March 2026 and photographs were taken as a record of the condition of the woodland on the site. An amenity assessment was also carried out. The woodland was found to be in good general condition within elements of native broadleaved woodland and more managed coppice/pollarded elements nearer to the dwelling on the western side where a view of the lake is found. There is also an area of open ground, down the slope towards the roadside boundary, this isn't considered a traditional lawn however, more of a natural meadow. This is a woodland site with a house within it; very little domestic curtilage was noted. On all other sides of the house

there are trees within close proximity. The small driveway passes through the eastern boundary of the property and is shrouded by trees. In addition, there are two outbuildings within the areas of mature trees, possibly for woodland management. All buildings are obscured from view from public places by the woodland covering the site.

Number and species (or at least the genus) of the individual trees or groups of trees to be included in the Order and their location on the site.

W1 – mixed species woodland that surrounds the dwelling and covers the majority of the site.

Trees not to be included.

The site contributes to a wider tract of woodland which falls within the ownership boundary of properties adjacent to Dove Cragg. The wider woodland on adjacent sites is not included in the TPO as it has been diminished to the point of having limited amenity value which justifies its inclusion.

Representations

None

Assessment

Assess the value of the trees in relation to the amenity of the area

Individual, collective and wider impact- *The tree's importance by reference to its size form and its future potential as an amenity, its rarity, cultural or historic value. For wider impact the trees/woodlands contribution to the character or appearance to the area and contribution to and relationship with the landscape. If it is a group of woodland its collective impact should be taken into account.*

The woodland and trees on site offer a high level of public amenity to the area.

The site is in a prominent position above Windermere. The site falls within an area of Windermere that is characterised by tracts of woodland with larger, sprawling properties within them. This area can be described as verdant and with increased levels of open countryside which is enjoyed by members of the public. Some of the key woodlands in this area as designated as ASNW and PAWS, though those that are not included in these designations were likely to historically have been part of the same larger woodland area, prior to being divided into smaller plots of mixed use which is linked to the expansion of Windermere as a destination for visitors and property ownership.

There are other woodlands protected by TPO within close proximity to Dove Cragg which establishes the high level of public amenity value in the area.

In general, woodland forms part of the character of this part of Windermere where numerous TPOs exist to protect the woodland character of the area. This woodland represents a positive contribution to this network of high amenity tree features.

Visibility - The extent to which the trees or woodland can be seen by the general public.

The site itself abuts the A591 to the west which is a busy public highway that runs parallel to the lake Windermere and joins Newby Bridge to Windermere and beyond. Directly adjacent to Dove Cragg, on the opposite side of the A591 is Hill of Oaks Caravan Park and Tower Wood Outdoor Activity Centre, both of which are busy, visitor sites. Birks Road runs along the southeastern boundary of the property and serves two popular holiday parks/campsites known as Park Cliffe Caravan & Camping Estate. Public footpath 508038 runs nearby the northern edge of the property from Park Cliffe Caravan & Camping Estate to the A591, the public footpath offers glimpses into the woodland at Dove Cragg which obscures the sparsely treed caravan park site from wider public view. The site itself stands out from its surrounding as it appears relatively untouched compared to the sites surrounding it which have been the subject of human intervention.

The woodland is highly visible by the general public from the neighbouring roads and also in more distant views from the lake.

Expediency

The site has been up for sale and has recently been sold. New ownership of the property offers the expediency required to protect the woodland site as the new owners may aspire to develop the site or enhance the views of the lake by managing trees by pruning or felling, as has occurred on neighbouring sites. These activities could potentially be detrimental to the long-term health of the woodland, the amenity value it offers and the character of the area in general. In addition to this, the loss or harm to portions of woodland within Dove Cragg could have negative consequences for the health and condition of the wider woodland it contributes to such as wind exposure and general disturbance of species and habitat dynamics. This could lead to generalised woodland habitat loss within this part of Windermere, making surrounding landscape elements such as Park Cliffe Caravan and Camping Estate becoming more dominant.

The TPO is therefore required to ensure that tree works can be considered before being undertaken. The TPO also ensures that the trees will be a material consideration for any development proposals, it will also ensure that tree protection measures are prescribed and conditioned to planning permissions, where necessary.

Recommendation: serve a Tree Preservation Order

Having regard to the provisions of the Development Plan, any representations we have received, and all other material considerations, I recommend that the Authority takes the above decision.

...Lucy Sauders (Tree and Woodland Officer)... 26/03/2026.....
(Date)

I endorse the above recommendation.

.....Julie Birkett (Planning Manager)..... ...27 March 2026.....
(Date)

FORMAL TPO OBJECTION (JOINT SUBMISSION)

Taylor Country Homes Ltd

10 Borough Road

Darwen,

Lancashire,

BB3 1PL

Geoff & Sally Taylor

Elmridge Farm,

Elmridge Lane,

Chipping,

Lancashire, PR3 2NY

Date: 05.05.2026

To:

Development Management / Tree Officer

Lake District National Park Authority

Re: Objection to Tree Preservation Order – Dove Crag, Birks Road, Windermere, Cumbria, LA23 3PH

TPO- Reference: 1604.493 Your Reference: The Lake District National Park Authority
(Dove Cragg, Windermere) Tree Preservation (No. 493) Order 2026

Introduction

Dove Crag is a former domestic garden site associated with an existing dwelling. While the site is currently overgrown due to vacancy, it has historically functioned as maintained garden land and does not constitute woodland in any meaningful planning or arboriculture sense.

We write to formally object to the Tree Preservation Order ("TPO") affecting land known as **Dove Crag**.

This objection is submitted jointly by:

- **Taylor Country Homes Ltd** (prospective developer)
- **Geoff & Sally Taylor** (purchasers of Dove Crag and prospective occupiers)

We confirm this submission is made with the **knowledge and authority of the current landowner**, and written confirmation of that authority is enclosed.

Whilst we fully support appropriate and proportionate tree protection within the National Park, we consider that **the current TPO has been applied in an overly broad and indiscriminate manner**. We fully recognise the importance of trees within the lake district and confirm that it is not our intention to remove trees unnecessarily. However, we consider the current order, as drafted, is excessive, imprecise and not supported by an accurate assessment of the site.

2. Scope of the Objection - Site Character – Not Woodland

The land subject to the TPO does **not constitute woodland**, either in character, function, or historic use. The order applies a blanket woodland protection (W1) across the entire site.

We object to:

- The classification of the entire site as woodland
- The inclusion of garden and non wooded land within the designation
- The lack of differentiation between tiers in the garden (please see zoning plan)
- The proportionality and justification of the order

The site is properly described as:

- A **former domestic garden and residential curtilage**
- Now **overgrown due to a period of vacancy**
- Containing **limited, sporadic, and largely self-seeded tree growth**
- With tree presence primarily located at **site boundaries and edges**

It is important to state clearly:

The presence of overgrowth does not alter the fundamental classification of the land.

3. Zoning Evidence (Refer to Enclosed Plan)

Site Composition

The site is varied in character and cannot reasonably be described under a single woodland designation.

3.1 Upper Section – Domestic Curtilage

- Clearly defined residential curtilage
 - Established garden setting
 - Immediate relationship to the dwelling
-

3.2 Middle Section – Rock and Sparse Vegetation

- Predominantly exposed rock outcrops
 - Limited tree cover, largely self-seeded growth
 - Scattered shrubs and incidental vegetation arising from lack of maintenance
 - No continuous canopy or woodland structure
-

3.3 Lower Section – Previously Lawned Garden Areas

- Previously maintained as lawned garden areas
- Minimal tree presence
- Does not function or present as woodland

■ These characteristics are clearly evidenced in the submitted photographic record.

3.4 Site Zoning Clarification (Supporting Plan Reference)

To assist the Authority, a zoning plan has been prepared identifying three distinct areas:

Zone A – Domestic Curtilage / Established Garden Area
Clearly defined residential curtilage surrounding the dwelling.

Zone B – Former Garden Areas with Self-Seeded Growth
Previously maintained garden areas now overgrown due to vacancy, containing scattered shrubs and incidental self-seeded trees. These areas do not exhibit woodland characteristics.

Zone C – Previously Lawned Garden Areas (Non-Woodland)
Open areas historically maintained as lawn, with minimal tree presence and no woodland structure.

Collectively, these areas demonstrate that the site is not woodland, but a former domestic garden in varying states of maintenance.

An annotated plan has been provided to assist the Authority. This identifies three distinct land character zones:

Zone A – Domestic Curtilage / Established Garden Area

The immediate setting of the dwelling, clearly domestic in nature and historically maintained as such.

Zone B – Transitional Garden Areas with Sporadic Self-Seeded Growth

Areas that have become overgrown but retain the characteristics of former garden land, with only limited and incidental tree presence.

Zone C – Previously Lawned Garden Areas with Minimal Tree Cover (Non-Woodland)

Open areas historically maintained as lawn, with negligible tree cover and no woodland characteristics.

4. Lack of Justification (Expediency Test)

The Authority states that the Order is expedient due to:

- Potential future management or development

However:

- No unauthorised works have taken place
- No immediate threat to trees has been demonstrated

The statutory test for expediency is therefore not met.

5. Amenity Value Overstated

The Authority relies on:

- Public visibility
- Contribution to landscape character

However:

- Views are partial and filtered
- The site does not present as a cohesive woodland mass
- Existing built form influences character
- Overgrown vegetation does not equate to high amenity woodland or woodland at all.

The designation significantly overstates the site's visual and public amenity value.

6. Human Rights and Proportionality

The Order represents a disproportionate interference with property rights:

- It applies blanket restrictions without proper differentiation
- It fails to balance private use with public benefit
- It includes areas that are clearly and categorically non-woodland

A more targeted approach would achieve the Authority's objectives without unnecessary constraint.

7. Alternative Approach (Without Prejudice)

If tree protection is considered necessary, a more appropriate approach would be:

- Identification of specific individual trees
- Exclusion of:
 - Domestic curtilage
 - Previously lawned garden areas
 - Rock-dominated areas with minimal arboricultural value
- Preparation of a revised plan reflecting actual site conditions

This would ensure **proportionate and defensible protection**.

8. Key Planning Point

The site does not function, nor has it historically functioned, as woodland.

The zoning clearly demonstrates that the land is:

A former domestic garden in varying states of maintenance — not a cohesive or established woodland.

9. Inappropriateness of the Blanket TPO

The application of a **blanket Tree Preservation Order across the entire site is disproportionate and unjustified.**

The Order:

- Fails to distinguish between **curtilage, open land, and trees**
- Applies **uniform restrictions to clearly non-uniform land**
- Imposes unnecessary limitations on the reasonable use and management of a residential site

Whilst certain individual trees may warrant protection, the current approach is:

Overreaching and not reflective of the site's actual character

10. Supporting Evidence

The following documents are enclosed / submitted in support:

- **Annotated zoning plan (Zones A–C)**
- **Historic photographs (circa 6 years prior)** demonstrating maintained garden and lawned areas
- Site observations and professional assessment

This evidence confirms:

The land has historically been managed as domestic garden, not woodland.

11. Management Position

We acknowledge that works to dead, dying, or dangerous trees will be permitted. However:

This does not address the fundamental mischaracterisation of the site under a blanket TPO.

12. Conclusion and Requested Outcome

For the reasons set out above, we respectfully request that:

1. The TPO is **not confirmed in its current blanket form**, and
2. The Authority instead considers a **revised, proportionate Order**, limited to specific trees.

We remain willing to engage constructively with the Authority to agree a balanced and appropriate outcome.

Yours faithfully,

For and on behalf of Taylor Country Homes Ltd
Geoff Taylor – AssocRICS; IOMMM(IOM3)



Geoff Taylor



Sally Taylor

FORMAL OBJECTION TO TPO (No. 493) Order 2026
Dove Cragg, Birks Road, Windermere, Cumbria, LA23 3PH
YOUR REF: 1604.493

6th May '26

Fao:

-L. Saunders, Tree & Woodland Officer, Lake District National Park Authority
-J.Birkett
-cc. planning@lakedistrict.gov.uk

Further to the above we would like to object to the proposed blanket TPO of the site on the following grounds:

- 1) The classification of the entire site as TPO. woodland is underserved as much of the lower slope of the site remain clear of recognisable woodland.
- 2) The inclusion of the domestic gardens and assorted working curtilage around the main house extending up to Birks Road is more extensive than appears at first view and therefore not truly representative of TPO woodland.
- 3) Much of the woodland particularly around the house and along the South boundary consists of non-native planting/screening which has been poorly planned and badly maintained and as above not truly representative of TPO woodland.

Evidence in support of the above is as follows:

1. Classification of the entire site as TPO.

Although the original TPO provided by the Planning Authority is duly noted, further field surveys by ourselves in late April this year combined with aerial imagery from 2014 suggest that the 'clear' area in the centre of the TPO is in fact much larger than shown on plan extending to the South boundary of the site and up to the edge of the curtilage of the house (see fig. 1) and as such requires further review in terms of the proposed designation.



Fig. 1

2) The inclusion of the domestic gardens/curtilage within the TPO.

Field surveys during April '26 of hard landscaping, topography and flora/trees illustrate a much wider extent of domestic garden and working curtilage associated with the property than initially visible on the ground. This can be evidenced in the accompanying documents

- Dove Crag Tree Survey Plan APRIL '26
- Dove Crag Survey Photos c. 2020
- Dove Crag Ground Survey April'26 Survey
- Dove Crag BS5837 tree survey

Which illustrate the built form of retainer walls, paths, terraces and lawns contemporary with the house along with strong presence of domestic/ornamental species and structure planting more in keeping with a domestic garden than a TPO woodland.

The approximate extent of this curtilage is illustrated below (see fig. 2) and as such requires further review in terms of the proposed designation.

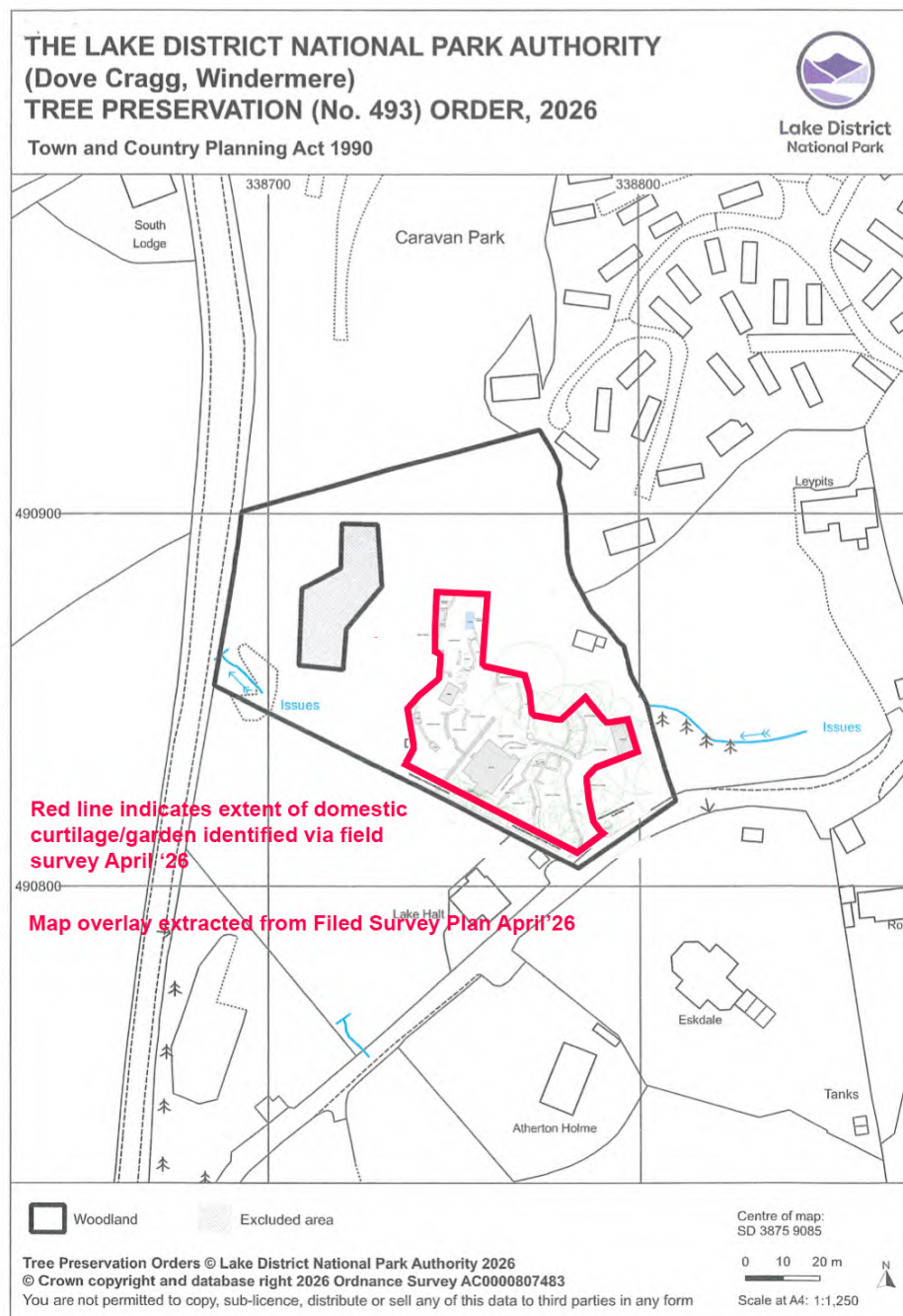


Fig. 2

3) Presence of non-native planting/screening not representative of TPO woodland.

As evidence in previous documents 'Dove Crag Tree Survey Plan APRIL '26' & 'Dove Crag BS5837 tree survey' significant parts of the proposed TPO consist of no native species densely planted with poor/no maintenance, as such much of this stock is in poor condition dead and in significant need of thinning/restocking/dead wooding in the very near future, as such a blanket TPO would be both problematic to enabling this to happen and would prolong the visual and ecological impact within the wider environment. The approximate extent of the above planting is illustrated below (see fig. 3) and as such requires further review in terms of the proposed designation.

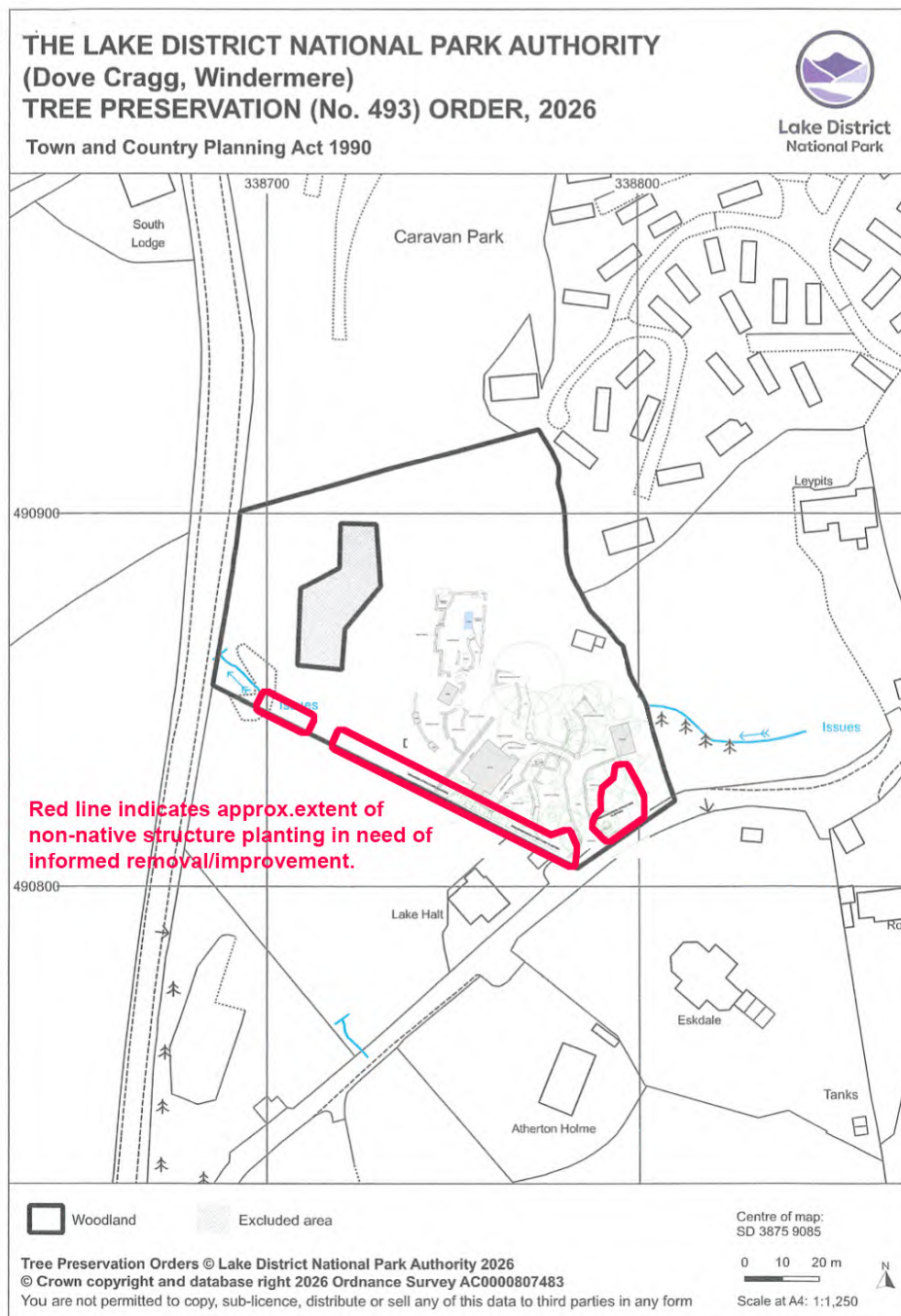


Fig. 3

Summary and Requested Outcome

On the basis of items 1-3 as above we would request that the TPO is not confirmed in its current form and is reviewed and revised to take in specific trees/groupings outwith the three areas identified above as per fig 4 below

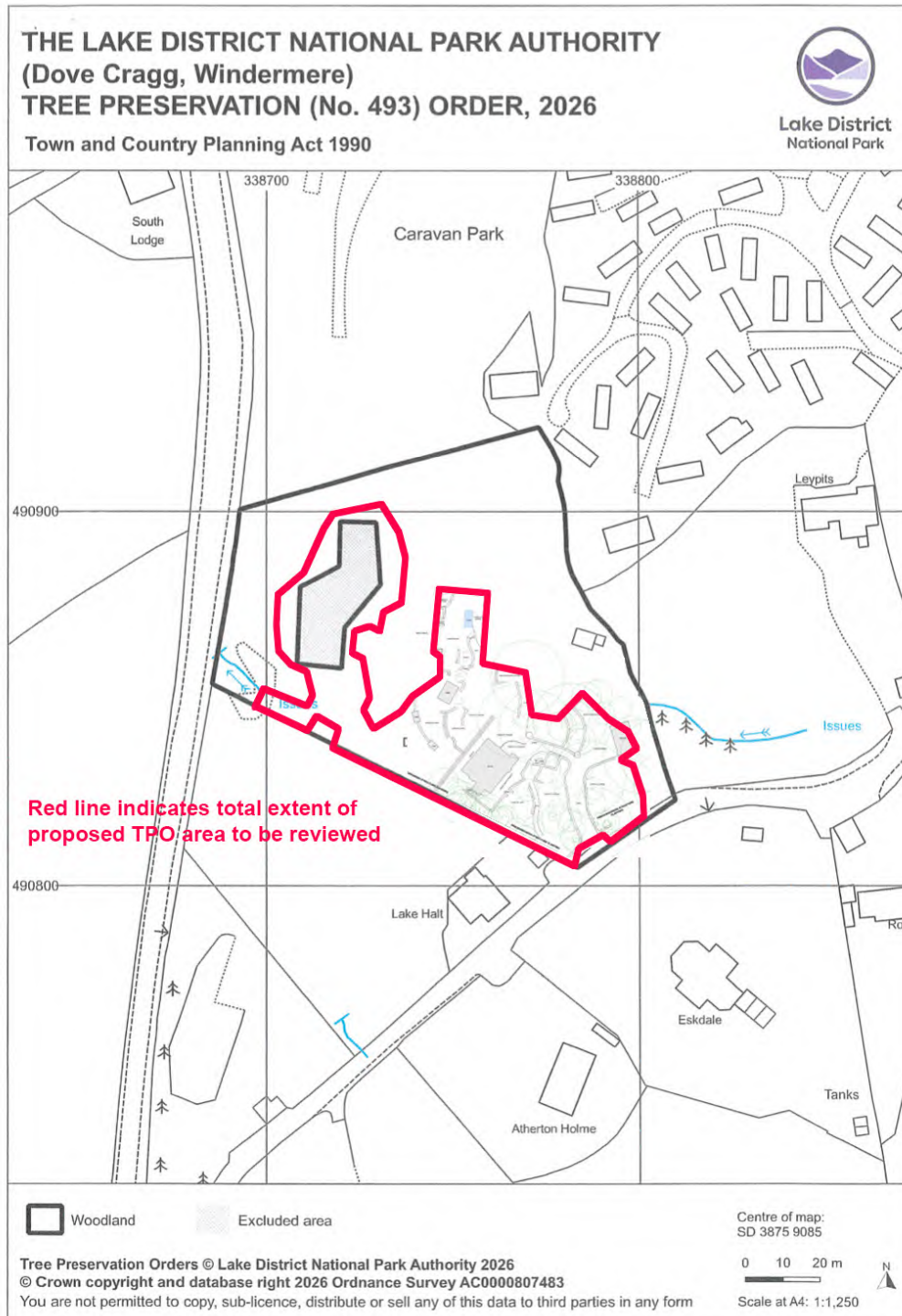


Fig 4

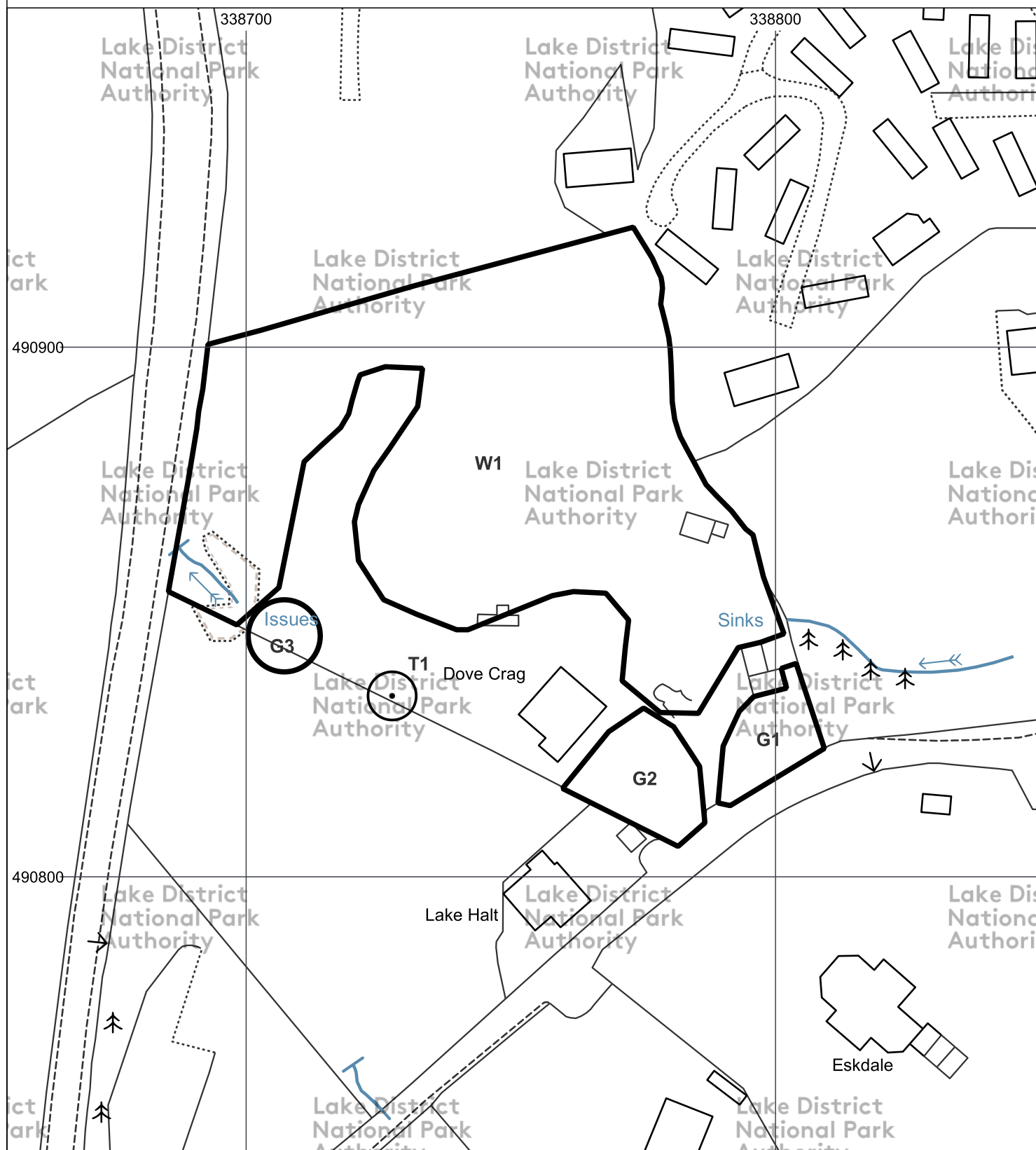
Hough Tullett Ltd
May '26

THE LAKE DISTRICT NATIONAL PARK AUTHORITY (Dove Crag, Windermere) TREE PRESERVATION (No. 493) ORDER, 2026

Town and Country Planning Act 1990



Lake District
National Park



Woodland



Individual Tree

Tree Preservation Orders © Lake District National Park Authority 2026

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Centre of map:
SD 3875 9085

0 10 20 m

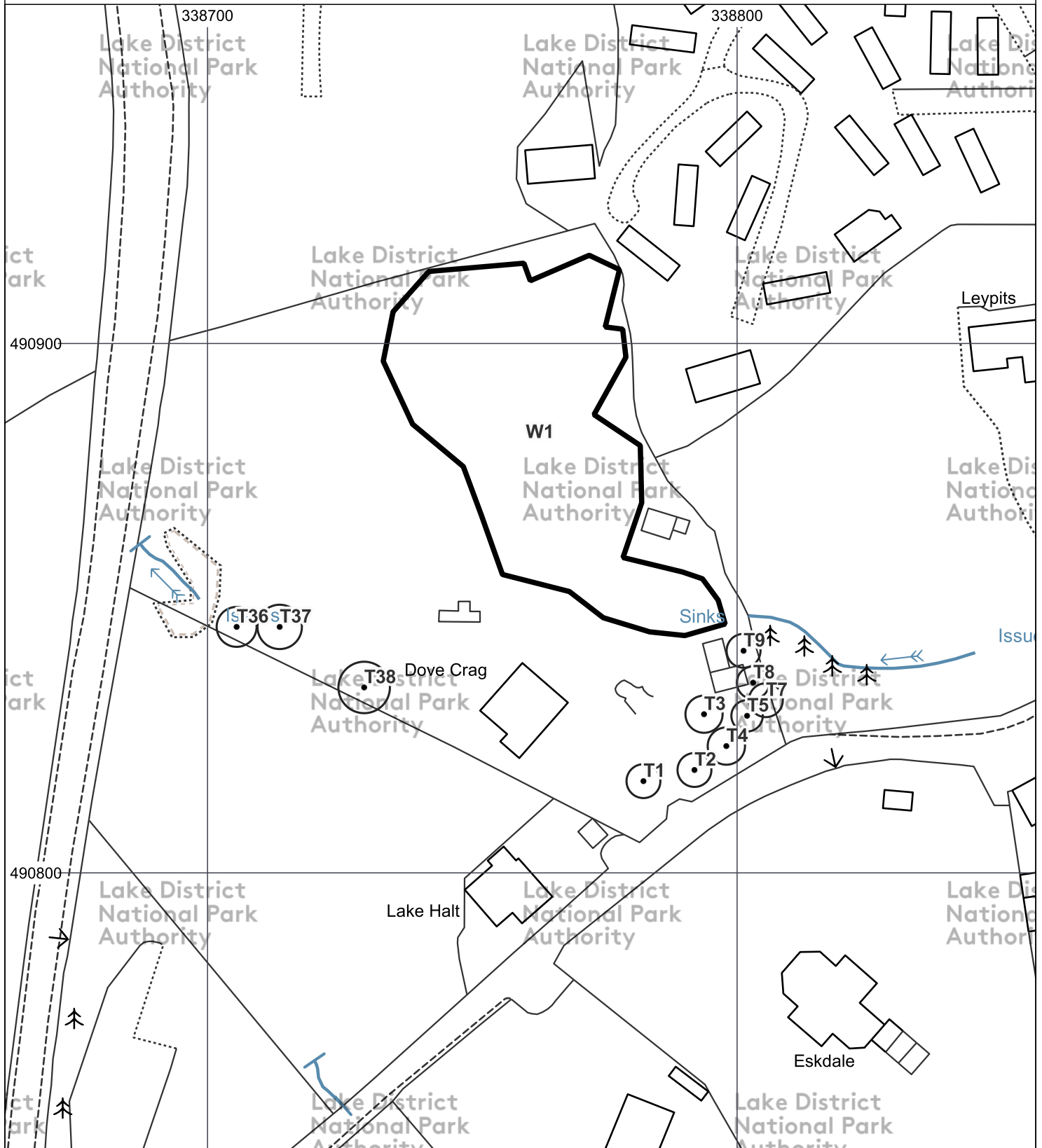
Scale at A4: 1:1,000



THE LAKE DISTRICT NATIONAL PARK AUTHORITY (Dove Crag, Windermere) TREE PRESERVATION (No. 493) OBJECTOR PLAN



Lake District
National Park



Woodland



Individual Tree

Tree Preservation Orders © Lake District National Park Authority 2026

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Centre of map:
SD 3875 9085

0 10 20 m

Scale at A4: 1:1,000



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: **18 March 2026** Surveyor: **Lucy Saunders**

Tree details

TPO Ref (if applicable): Tree/Group No: **W1** Species: **Mixed coniferous and broadleaf**
 Owner (if known): **Property for sale** Location: **Dove Cragg, Windermere**

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

3 - Some woodland management required, but good general condition and age diversity.

* 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

5 - Woodland systems have potential for long retention span - some management will be required to accommodate prospective owners via planning apps

*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

3 - Prominence from highways and from visitor use of surrounding amenities such as the holiday park

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
- 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 additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

4 - the trees have been left to optimise and become a cohesive unit

Part 2: Expediency assessment

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

3 - The house is uninhabitable, works will be required by prospective owners to take occupation which has the potential to disrupt the trees.

Part 3: Decision guide

Score	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:

Make TPO