

East Devon District Council Countryside Service

Buying a Tree with a House in the Garden?



Advice for potential homeowners

Introduction

So, you've found your dream house.....but what about the garden? Did you notice any trees? They may be in the garden or over-hanging your property. If it is winter, try to picture them bristling with leaves and please consider the effect they will have on your property all year round.

You may have been sent this leaflet by East Devon District Council or been given a copy by your solicitor or estate agent. Trees can affect your future enjoyment of your property and garden and this leaflet is designed to make you aware of the possible consequences of living with trees that are protected by a Tree Preservation Order (TPO) or by being in a Conservation Area. (A TPO is a statement by the Council that the tree is intended to remain unless there is a justifiable reason for its removal, for which written consent from the council has been first given).

The Law

Following your local land charges search your solicitor should ask for a copy of any TPO affecting your property. They will be able to show you the date the Order was made, the plan and the schedule (listing which are the protected trees) and should also be able to explain the consequences.

Trees may be protected and shown on the plan either individually (a circle), as a group (a dashed line), as a woodland (a solid line) or enclosed within an area (a line of continuous dots; these dots do not indicate individual trees).

Your house will not necessarily appear on the plan if it was built after the Order was made. Although there may be no trees on your property it may be affected by protected trees growing on adjoining land.

Alternatively, whilst there may be no specifically protected trees on your land, your property may be in a Conservation Area. This will also be revealed on your search and a similar level of protection will apply

Can I fell them?

Anyone can apply to the Council for consent to fell protected trees. But, if they are healthy specimens, which contribute to the character of the area, it is unlikely consent will be granted. Each application application is considered on its merits.

Can I lop them?

As before, anyone can apply for consent to prune a tree. One of the Council's tree officers will make an assessment of the effect of the proposals on the health and appearance of the tree. Certain procedures are considered unacceptable - topping is one of them.

IF YOU DON'T LIKE THE TREES, DON'T BUY THE PROPERTY.

Please do not assume you can move in and then simply prune or fell the trees.

So what do 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. You are not just buying the house - you are also buying the trees. They come as part of the package, not an optional extra!

PLEASE NOTE: East Devon District Council receives several hundred applications for works to trees per year. If permission is refused in whole or part, there is an appeal procedure for those who are aggrieved with our decisions

How might the trees affect me?

- Trees are naturally growing, dynamic organisms which are subject to change.
- Leaves, twigs, fruit litter, pollen, dead branches are a normal consequence of living with trees.
- Trees cast shade, which will increase as they grow.

- Digging or dumping soil under trees for the purposes of terracing, pond creation or to provide services such as water or electricity to other parts of the garden, may cause serious harm to roots.
- Deciduous trees produce lots of mulch.
- Lawns tend to be patchy underneath tree canopies.

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?

Any prospective purchaser would be advised to obtain a full structural survey. If you were still concerned, you would be wise to consider another property.

What if the tree is in a neighbouring property?

If your neighbours' trees are protected, even if they overhang your property and they are happy for you to do works, you will still need the Council's consent first.

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. If the Council's Tree Officers consider the tree to be dangerous, they will recommend an appropriate course of action.

A tree is not necessarily considered dangerous due to its height and spread or because it moves in the wind. A certain flexibility allows trees to remain upright.

So why would anyone want a tree in their garden?

People come to East Devon largely for its beautiful wooded environment. You could be one of the fortunate people to own one or more important trees.

Trees are an essential part of our everyday life for many reasons. They:

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

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.

Contact us: Countryside Service

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