

In The Consistory Court of the Diocese of Derby

Re: St Leonard, Monyash

1. By a petition dated [210th January 2017] Richard Benson, Vicar; Heather Read and Jean Mavis Woolley, Churchwardens, seek permission to fell a lime tree situated in the churchyard of St Leonard, Monyash adjacent to The Old Reading Room, Church Street, Monyash, Derbyshire DE45 1JH as recommended in a report dated 12th July 2016 prepared by Ian Trueman Specialist Tree Services Ltd. The faculty is sought at the request of the owners and occupiers of The Old Reading Room, Mr and Mrs C Drage.
2. The Statement of Significance is very brief and assumes a knowledge of the church. It describes the churchyard as extensive. There is no Statement of Needs.
3. The justification for the petition is set out in the Report of Ian Truman which was obtained by Mr Drage. It records that the tree in question is not the subject of a tree preservation order, but does lie within the Monayash Conservation Area. The Local Planning Authority is the Peak District National Park Authority which has confirmed in writing that it does not object to the removal of the tree. The PCC supports the application as does the DAC.
4. The Old Reading Room was constructed in 1882. It was originally a reading room, but is now a private dwelling house. It was purchased by Mr and Mrs Drage in 1993. The lime tree in question was planted in the mid-1990s. It is the northernmost tree in a line of trees running north to south across the churchyard and is adjacent to the western boundary of the Old Reading Room. The tree is around 10m in height and has a similar spread. The stem is 5.1m from the rear elevation of the Old Reading Room and the branches of the lower and mid crown overhang or are close to the roof and wall of the building. In 2004, with the support of the PCC and the benefit of a faculty, Mr and Mrs Drage created a French drain approximately 1m wide around the south and west walls of the Old Reading Room. The work included the removal of spoil from grave digging; the removal of tree stumps from against the walls; repair of the damaged foundations and the formation of a gravel-filled trench or French drain.

5. Mr and Mrs Drage have requested the removal of the tree due to its proximity to the south wall of their property. They are concerned that damage and increased maintenance will result from the overhanging branches as well as shading of their garden. Mr Trueman is of the view that these are legitimate concerns. He considers that the level of pruning which will be required to address these concerns will have an adverse effect on the appearance of the tree. He considers it unlikely that a tree would, today, be planted in such close proximity to a dwelling. There is also concern that the tree's roots may cause damage to the French drain in the future. Mr Trueman comments that the churchyard is well treed, particularly around the boundaries. He also notes that the tree in question is not especially visible from outside the churchyard. Mr Trueman's recommendation is that the tree should be removed and the stump treated to prevent regrowth.

6. In response to the Public Notice of the petition, an Objection was received by letter dated 25th February 2017 from Mr Bill Gee. Mr Gee states that he and his wife have been residents of Monyash for over thirty years. He mows the grass in the churchyard and undertakes maintenance as well as supporting the church financially. He states that the tree in question has been assessed previously and there was not considered to be any need to remove it. He also states that attempts have been made to kill the tree, which activity should be discouraged. He concludes that too many trees have been lost to disease over the last forty years and others have been destroyed unnecessarily. In essence, I understand that he considers that the tree in question should not be removed.

7. Mr Gee was given the opportunity to become a Party Opponent, but has declined to do so, asking that I take his letter of objection into account. The Petitioners' response to Mr Gee's objection, contained in an e-mail from Heather Read dated 5th June 2017 is an indication that they would be willing, in the event that the faculty is granted, to plant at least two other trees elsewhere in the churchyard.

8. In response to a question from me, Mr and Mrs Drage have indicated that they would be willing to fund the cost not only of felling the tree, but also the cost of having the stump ground out and the area made good.

9. While I share Mr Gee's concerns about the loss of trees in public places, I understand Mr and Mrs Drage's concerns about the possible detrimental effect of this particular tree on their property. It is better, in my judgment, to prevent those problems now, rather than wait and possibly have to deal with both felling the tree and repairing property damage in the future.

10. I also welcome the offer by the PCC to replace the tree with at least another which can be planted in a more suitable location and Mr Drage's willingness to pay for a complete removal of the tree, including the stump.

11. In my judgement, and particularly in the light of these offers, this petition should be granted. A faculty will be issued to permit the felling of the lime tree, identified on the plan produced for that purpose, and the removal of the stump, on condition that at least one tree is planted elsewhere in the churchyard to replace it. The works may be carried out once the tree's leaves have fallen and should be carried out within twelve months.

Timothy Clarke,
Deputy Chancellor
12th September 2017