Tel: (0118) 974 6503
Email: development.control@wokingham.gov.uk
Date: 20 July 2026
My ref: TF/TPO/DD/261643

WOKINGHAM
BOROUGH COUNCIL

Mr Stephen Marshall
17 Knowles Avenue
Crowthorne
Wokingham
RG45 6DU

Place and Growth
Development Management Team
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

Tel: (0118) 974 6000

Dear Mr Marshall

REGULATION 14(2) NOTIFICATION FOR EMERGENCY WORKS
TREE PRESRVATION ORDER: 71/1974
APPLICATION NUMBER: 261643
LOCATION: 17 KNOWLES AVENUE, CROWTHORNE, WOKINGHAM, RG45 6DU

This letter is in response to your regulation 14(2) notification which was received on the 14 July 2026, regarding the works listed below. Your notification has been **refused**.

Proposed works to Woodland 1 of TPO 1336/2010:

T6, Oak - Fell.

Reasons stated for works:

As can be seen from the photo whilst all the other oaks are full of leaves this one has over the years lost all its branches, apart from a few at the canopy, with next to no foliage. Whilst getting worse over the last few years, it is significantly worse this year.

Officer comments:

Works should only be carried out to the extent that it is necessary to remove an 'immediate risk of serious harm'. If the danger presented by the tree is not 'immediate' then the tree does not come within the meaning of this exception. Hence your request has been refused.

The information and photographic evidence submitted in support of the five-day notice have been reviewed. On the basis of the evidence provided, the Local Planning Authority is not satisfied that the tree is dead, or that it presents an *immediate risk of serious harm* such as to justify works under the exemption provided by Regulation 14(2) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The photographs submitted have been carefully reviewed. Whilst they show a mature oak exhibiting crown decline, sparse foliage and areas of branch loss, they do not demonstrate that the tree is dead. The images indicate that live foliage remains present within the crown, and therefore the evidence does not support a conclusion that the tree has died.

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Furthermore, the photographs do not provide evidence that the tree presents an *immediate risk of serious harm* such as to justify works under the exemption provided by Regulation 14(2) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Although there are visible symptoms of decline, the submitted information does not demonstrate the presence of an imminent risk of failure requiring emergency works without delay. The evidence provided shows a tree in a declining condition rather than one that can be reasonably concluded, from the information submitted, to present an immediate danger.

It should be noted that the Regulation 14(2) five-day notification procedure is intended only for situations where a protected tree is clearly dead or where works are urgently necessary to remove an immediate risk of serious harm. The burden of proof rests with the person undertaking the works. Given the limited timescale involved, it is generally not possible for a Tree Officer to undertake a site inspection within the five-day notification period. Consequently, the supporting information and photographs submitted with the notification must clearly and unequivocally demonstrate that the tree is either dead or immediately dangerous.

In this case, the photographs and accompanying statement do not provide sufficient evidence to satisfy either exemption. The observed symptoms appear consistent with a tree experiencing significant decline, which may warrant management intervention, but do not establish that the statutory exemption applies.

Accordingly, the Local Planning Authority does not accept that the proposed removal is exempt under Regulation 14(2). Should you wish to undertake works to this protected tree, you will need to submit a formal application for works to a Tree Preservation Order (TPO) tree for consideration in the usual manner.

Tree works applications can be submitted using the on-line application form through the Planning, using the link: https://www.planningportal.co.uk/ - you need to click on 'planning applications' on left hand side of the screen.

Guidance Notes:
https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-works_to_trees.pdf

For the avoidance of doubt, any works undertaken in reliance upon the dead or dangerous tree exemption remain the responsibility of the person carrying out or authorising the works. If works are undertaken without adequate justification and the exemption does not apply, this may constitute unauthorised works to a protected tree.

If we can be of any further assistance, please contact the Tree Officer via development.control@wokingham.gov.uk

Yours sincerely



Chris Hannington
Trees and Landscape Team Manager

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