



Mature Lime tree in private garden

# Buying a tree with a house in your garden

## So, you've found the house of your dreams...but what about the garden?

Did you notice the trees? They may be in the garden or growing on land beyond the boundary of your new property.

Trees can affect your future enjoyment of the property and garden. This guidance is designed to make you aware of the possible consequences of living with trees that are protected by a Tree Preservation Order (TPO) or in a Conservation Area (CA).

## The Legal Bits

Following your 'Local Search' your solicitor should ask for a copy of any Tree Preservation Order affecting your property. The solicitor will be able to show you the date the Order was made, the plan and the schedule (where the protected trees are identified), and should be able to explain the consequences.

Trees that are protected are 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, protected trees growing on adjoining land may also affect it and a search will not necessarily show this.

Your property may be situated in a Conservation Area and this will also be revealed on your search. A similar level of protection will apply to the trees on your property, so please seek further advice either from your local authority or an arboriculturist.

## Can I fell a TPO tree if I decide to buy the property?

Anyone can apply to the Council for consent to fell protected trees and each application is considered on its merits. A Tree Preservation Order is a statement by the Council that the trees is intended to remain unless there is a justifiable reason for its removal, for example if it is dead, diseased, dying or decayed; we will be happy to advise you further on statutory exemptions.

An application for tree work will take approximately 8 weeks for a decision to be issued. Note: A tree is not necessarily considered dangerous due to its height, spread or its close proximity to the house.

## Who pays if works are needed to trees covered by Tree Preservation Orders?

While the application for tree works is free, all works must be paid for by the homeowner, but this can be also worth considering as an investment in your property. It should also be a consideration prior to purchasing your property.

By investing in your trees you could be directly improving your property and the appearance of the surrounding urban landscape. It has been shown that having mature trees in your property can potentially increase resale value by providing a pleasant setting in which to live.

## So what do I do?

If you do not believe that you can live in your proposed new home without major tree removal, then you may wish to reconsider buying the property. You are not just buying the house, you are also buying the trees.

They come as a package, not as an optional extra!

## I'm a keen gardener, how will the trees affect me?

- Trees are natural, growing shedding organisms. Leaves, twigs, fruit litter, pollen and dead branches are a normal consequence of living with trees and are not sufficient justification for felling or pruning.
- Trees cast shade, which will increase as they grow.
- Evergreens cast shade all year round and leaf litter decomposes slowly.



Giant Redwood in Kings Somborne

- Deciduous trees produce a lot of mulch and leaf litter.
- Lawns tend to be patchy underneath tree canopies although there are shade tolerant grass seed mixes.
- It is not a good idea to site a greenhouse beneath the canopy of a tree for obvious reasons of shading, falling fruit and debris which could damage the glass and foundations could affect the trees roots.
- Insects often feed off leaves and parts of trees but this can result in unwanted honey dew, sooty mould and the like from aphid excretions.
- Trees offer good perching and roosting sites for birds as well as habitat but the resulting bird droppings may be unwanted on washing, patios and garden furniture etc.

## Will the roots undermine my new property?

Any prospective purchase would be well advised to obtain a full structural survey. However, in practice it is most unlikely, as roots do not actively seek out house foundations. It may be worth commissioning a tree survey or arboricultural survey of the trees to ascertain their overall health and condition if you are concerned.

If you don't like the tree- don't buy the property. Do not assume that you can move in and then prune or fell the trees.





Oak tree, Romsey



Willow tree, Longparish

## What if the tree is in my neighbour's property?

As before, anyone can apply for consent to prune a tree, but the work may also require the consent of the owner.

## The drive is cracking because of the trees, can I replace it?

Yes, possibly, BUT do not assume the tree is responsible and in any event you may not be allowed to:

- Sever the roots
- Fell the tree
- Use the surface of your choice
- Alter the levels

## So why would anyone want a tree in their garden?

Trees offer shade, a calming environment and add value to property. People generally move into a property and appreciate the trees as a treed landscape is a very beautiful one. You could be one of the fortunate people to own an important tree within your garden.

**IMPORTANT:** the trees may pre-date us by many years and survive with our care for many years after we have moved elsewhere.

They are our legacy to future generations and deserve our respect and care. If you feel you are not able to offer them the basic care, please do not take on this responsibility.

If you do buy a tree with a house in your garden then also be aware that you should have your tree inspected on a regular basis like every three to five years by a suitably qualified Arboriculturist for health and safety reasons.

## The benefits of trees in your garden

- Provide privacy and screening
- Offer an attractive backdrop
- Provide all year round interest
- Provide oxygen
- Reduce carbon dioxide and aid in micro climate control
- Filter and absorb pollution
- Absorb noise
- Help prevent soil erosion and improve soil quality
- Offer a sense of shape and scale to garden design
- Reduce the stress of modern lifestyles
- Encourage wildlife
- Provide a habitat for wildlife
- Have an aesthetic value
- Trees mark the seasons
- Offer shade and shelter



Beech tree, Wildhern

## Useful contacts and references:

If you have any concerns regarding trees managed by Test Valley Borough Council - often land in public open spaces and parks - please contact Customer Services who will firstly confirm whether the land is indeed managed by the council.

Through our mobile app: [www.testvalley.gov.uk/resident/my-test-valley/](http://www.testvalley.gov.uk/resident/my-test-valley/)

Telephone 01264 368000 or 01794 527700 / Minicom 01264 368052

Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ. [www.testvalley.gov.uk](http://www.testvalley.gov.uk)

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