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BY EMAIL & BY RECORDED DELIVERY

LETTER OF CLAIM

6 June 2013

Our Ref: **SRB/1544/2034197123/r**
Your ref: **TPO 01/12/SC 2012**

Dear Madam

**REFUSAL OF CONSENT TO FELL 1 NO CEDAR TREE WITHIN THE
GARDEN OF THE OLD RECTORY LITTLE GRANDSDEN, SANDY,
BEDFORDSHIRE, SG19 3DU ON THE EASTERN ASPECT
DISTRICT COUNCIL TREE PRESERVATION ORDER 01/12/SC 2012
PLANNING COMMITTEE WEDNESDAY 5TH SEPTEMBER 2012 REF:
C/11/17/063/01
TPO APPLICATION DATE: 20 JULY RECEIVED 25 JULY 2012
TPO APPLICATION REFUSAL DATE: 05 SEPTEMBER 2012
CLAIMANTS: MR AND MRS SEABRIGHT**

We have been appointed by Chubb Insurance Company of Europe SA on behalf of the Claimants in relation to subsidence damage that has occurred to the Claimants' property at the Old Rectory, Little Gransden, Sandy, Bedfordshire SG19 3DU.

We refer to the above refusal by your Planning Committee on 5th September 2012, to grant consent to the Claimants in relation to their Tree Preservation Order application for permission to remove the said Cedar submitted by OCA UK Ltd on 20th July 2012.

This Letter of Claim relates to the losses arising by virtue of the said refusal to grant consent to the Claimants in respect of the said Cedar tree.

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available for inspection at the registered office.

It is common ground that the Cedar tree which was the subject of the Tree Preservation Order application has caused subsidence damage to the Claimants' property. As a consequence of the said refusal of consent, substantial costs will be incurred which would not have arisen had permission been granted in 2012 for the said Cedar tree to be removed.

The Claimants' property is a Listed Building. As such the nature and extent of an acceptable and appropriate repair is now being duly considered by SCDC's Listed Building Officer. This is to ensure that the historic heritage, character and integrity of this Listed Building is duly and properly safeguarded, both from the continuing effects of the Cedar tree roots and from any trauma or detriment that the repairs could inflict on the building's historic heritage if they are not sufficiently sympathetic.

Subject to any specific Listed Building Officer requirements the repair costs, should the Cedar tree remain, are considered by Engineers to potentially and broadly range as follows:

- 1) £80,000.00 plus VAT for a partial traditional underpin
- 2) £250,000 plus VAT for a partial piled solution extending to internal areas
- 3) (Conservative) £400,000 plus VAT for a fully piled raft.

The above figures are, for the time, being net of the usual associated costs, including (but not limited to) site investigations, fees, scheme preparation and project co-ordination, and any costs for removals/storage and alternative accommodation, which will be calculated and added and advised to you once the repair scheme has been finally determined.

In accordance with Regulation 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and under the compensation provisions covered by Part 6 of the April 2012 (Tree Preservation) (England) Regulations enabled as a result of s192 of the Planning Act 2008 please accept this letter as a formal claim for compensation for all loss and damage incurred in consequence of the refusal of consent.

You will appreciate that the Claimants are not yet in a position to fully quantify their claim, but we trust that the above outline figures will provide a useful indication which will be sufficient for the time being to usefully inform SCDC's understanding of the range of its potential financial exposure in this matter.

You will also appreciate that the losses presently anticipated may be subject to variation, and that losses will continue to be incurred until such time as the claim is resolved. Further, interest will accrue and be added to the claim total, together with legal costs and disbursements on the usual basis.



Preparations are now underway for the repairs to commence. We shall provide you with an updated quantification of the likely cost of the claim once the nature and extent of the necessary repairs has been duly resolved upon by the Listed Buildings Officer. In the meantime we shall be obliged to receive your acknowledgement of this Letter of Claim.

Should you have any queries or require further clarification then please do not hesitate to contact us.

Yours faithfully

Freeth Cartwright LLP

Freeth Cartwright

Please respond by e-mail where possible

Copy: Mr G Duthie Senior Lawyer SCDC, Ms Jo Mills Director of Planning, Mr A Colyer Chief Finance Officer, Ms Roz Richardson Tree and Landscape Officer, Ms Corrie Newell Head of Conservation