

Kirkburton Parish Council

Tree Policy

Trees overhanging property

If a tree that is owned or managed by the Council, is overhanging private property, the Council will not take action. In exceptional circumstances, pruning options may be considered. However, this is discretionary and subject to the availability of funding.

Common law permits landowners/occupiers to trim tree roots or branches that are within the curtilage of their property back to their boundary. However, if their actions render a tree to be unsafe, they may be liable for any subsequent damage that results from the tree's failure. Any party exercising this right must not cross the boundary or access third party land without prior consent from the landowner, including where the Council is the landowner.

In addition, the Council is not obliged to accept the return of any pruned materials from its trees and this material should only be left on Council land if prior written consent has been given.

Property owners are advised to contact the Clerk in the first instance. Attention is drawn to the fact that many of the trees for which the Council is responsible, are subject to Tree Preservation Orders or are situated within Conservation Areas. In these cases, prior permission from Kirklees Council is required before any work can take place. There are also restrictions on the time of year when work to trees can be carried out, commonly known as the 'bird nesting period'.

The above policy was adopted by Council on 7 December 2023.