



Planning Department
FAO: Tamara Dale Horsham District Council
Albery House
Springfield Road
Horsham
West Sussex RH12 2GB

Your ref:
Our ref: 00264-
Dagless

22 August, 2025

Dear Madam

Our Client	Melissa Dagless
Site Address	Land adjacent to Pucks Croft Cottage, Horsham Road, Rusper
Application Ref	DC/25/1120
Subject	Formal objection – Arboricultural and Biodiversity Impacts

I write on behalf of my client, owner of land adjacent to the proposed development, to lodge a formal objection based on substantial and unacceptable arboricultural harm and biodiversity deficiencies, as detailed in the accompanying Planning Objection Report.

Arboricultural and Biodiversity Concerns

1) Outdated and Inaccurate Tree Assessment

The applicant relies on a tree survey that contains outdated measurements, mis-identifies species, and fails to properly offset Root Protection Areas (RPAs), undermining the validity of the arboricultural baseline.

2) Threat to Veteran and Mature Trees

The proposed Plot 5 lies within a buffer zone of a veteran oak, which is afforded highest protection under NPPF paragraph 180(c) as an irreplaceable habitat demanding refusal where harm cannot be avoided.

3) Encroachment into RPAs of Off-Site Trees

The site access intrudes into the RPA of a mature pine on my client's land, risking long-term health, stability, and safe useful life expectancy.

4) Loss of Hedgerows

Access and sightline requirements involve hedgerow removal, compromising landscape character, connectivity, and biodiversity corridors without credible mitigation.

5) Soil and Structural Risks

Development will likely sever roots in potentially shrinkable soils, raising risks of shrinkage and heave, which are not addressed in the application.



Policy Non-Compliance

National Policy

- **NPPF Paragraph 180(c):** The loss or deterioration of irreplaceable habitats, such as veteran trees, should lead to refusal of permission unless exceptional circumstances are made and evidence is provided.

Local Policy (Horsham District)

- The **Biodiversity and Green Infrastructure Planning Advice Note** expects a minimum 10% Biodiversity Net Gain (BNG) in line with statutory requirements ([Horsham District Council](#), [Horsham District Council](#), [Horsham District Council](#)).
 - Horsham's approach supports upticks to 12% BNG, supported by the emerging Local Plan's evidence base ([Horsham District Council](#)).
 - Policy 31 of the HDPF and the Advice Note require measurable net gain and discourage developments that degrade ecological networks ([Horsham District Council](#)).
 - The Council's Biodiversity Duty and Wilder Horsham District initiatives further underscore the expectation that development enhances biodiversity and supports nature recovery ([Horsham District Council](#)).
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Request & Next Steps

Given the clear conflict with both NPPF and local policy, and the demonstrable harm to irreplaceable trees, urgent action is required:

- Refusal of the application unless the scheme is radically revised to remove all impacts on veteran and mature trees, avoid hedgerow loss, and secure the required BNG ($\geq 10-12\%$).
 - Redesign of access and plot layouts to avoid RPAs and hedgerows.
 - Explore submission of a Biodiversity Gain Plan per Horsham Council's Advice Note ([Horsham District Council](#), [Horsham District Council](#), [Horsham District Council](#)).
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Attachments

- **Planning Objection Report: Arboricultural & Environmental Concerns**

I trust this objection robustly supports the Council's position in protecting Horsham District's biodiversity and landscape heritage. Please do not hesitate to contact me for any further clarification.



Sarah Dodd
Director/Founder



Planning Objection Report

Subject: Proposed Development at Land adjacent to Pucks Croft Cottage, Horsham Road, Rusper– Arboricultural and Environmental Concerns

Description: Outline application for the erection of 4no. dwellings, extension to existing cottage, alterations to access and provision of landscaping

Reference: DC-25-1120

Recommendation: Advice

1. Introduction

I am the founding owner and CEO of Tree Law. I set up Tree Law in November 2021 following 20 years working in corporate UK law firms. My experience spans across civil and commercial litigation and touches on planning and criminal law. The clients that I work for are insurance companies, local authorities, commercial landowners, individuals and environmental interest groups. I am a regular speaker at industry events and host the annual Tree Law Conference. I have sat as Chair of the industry's Subsidence Forum between 2021 and 2023. I am a member of the London Tree Officers' Association, the Arboricultural Association and the Trees and Design Action Group.

This report is submitted as a formal objection to the proposed development at Land adjacent to Pucks Croft Cottage, Horsham Road, Rusper on grounds of unacceptable adverse impact on existing trees, hedgerows, and the wider landscape character.

Concerns are raised following my review of the Application together with that of the Council's Arboricultural Officer (comments dated 30 July 2025) and by our client, who owns adjoining land directly affected by the scheme. Together, these highlight serious Arboricultural failings in the submitted application that render it unsound and contrary to planning policy.

2. Deficiencies in Submitted Arboricultural Information

2.1 Inaccurate Tree Survey

The application relies upon a tree survey which contains:

- Out-of-date tree measurements, failing to reflect current conditions.
- Misidentification of species and inaccurate estimations of off-site trees of high amenity value.

- No proper offsetting of Root Protection Areas (RPAs) in relation to development constraints.
- The report itself notes that hedges, scrub, and tree lines are important for local biodiversity, yet the proposed scheme will cut across them. The tree lines and woodland edge form part of an ecological corridor linking Baldhorns Copse to the wider landscape. Infill housing will reduce this connectivity, affecting foraging and commuting routes for bats, birds, and invertebrates.

As a result, the baseline assessment is undermining all arboricultural conclusions presented by the applicant.

2.2 Failure to Address Tree Life Expectancy

The Arboricultural Officer highlights that both a pine and beech tree immediately adjacent to the proposed site access are already of limited safe useful life expectancy (SULE), which will be further reduced by the proposed works. This represents a foreseeable and avoidable impact.

2.3 Risk from Construction Activities

The report accepts risks of dust, lighting, and fuel storage but assumes mitigation will be sufficient. In reality, construction traffic and material storage close to tree RPAs make accidental damage highly probable. Once damaged, mature oaks and pines cannot be replaced within any meaningful timescale.

2.4 Hedgerow Removal

The proposal refers to H20 and H21 requiring the loss of established hedgerows to facilitate access and sightlines. This runs counter to planning policies protecting biodiversity corridors, rural character, and green infrastructure.

3. Impact on Trees

3.1 Ancient Woodland Proximity

Baldhorns Copse, immediately adjacent to the site, includes *Ancient Woodland* – an irreplaceable habitat of district value. The buffer between the new houses and this woodland is minimal, increasing the risk of light spill, garden encroachment, invasive species, and increased recreational pressure. The NPPF (para 180) requires that development adjacent to Ancient Woodland should be refused if it results in deterioration of the habitat.

3.2 Bat Roosts in Trees

Several mature oaks and a Scots pine were identified as having *Potential Roost Features (PRFs)* for bats. While the mitigation plan addresses bat roosts in buildings, it underplays the continuing role of boundary trees as commuting and foraging corridors. Lighting from new dwellings could fragment these habitats, contrary to best practice guidance.

3.3 Encroachment into Root Protection Areas

The proposed site access falls within the RPA of a mature pine located within our client's land, with likely severe implications for stability and longevity.

3.4 Threat to Veteran Oak (Plot 5)

The dwelling proposed on Plot 5 encroaches into the buffer zone of a veteran oak, which is afforded the highest level of protection under national planning policy (NPPF paragraph 180(c)). Development that threatens the survival of veteran trees should be refused unless wholly exceptional circumstances exist.

3.5 Adverse Impact on Mature Trees (Oak, Eucalyptus, and Pine)

The ecological assessment identifies mature pedunculate oaks and Scots pines at the site boundary, which are of *local ecological value*. Development works, including access roads, demolition, and landscaping, risk damaging root protection areas (RPAs) through soil compaction, severance of roots, and changes in hydrology. British Standard 5837 protections are mentioned, but the proposals bring dwellings and hard surfacing unacceptably close to these trees, creating long-term risk to their health and survival. The dwelling on Plot 3 lies unacceptably close to a mature eucalyptus tree on the client's land. Several oak trees along the southern boundary are similarly at risk from construction disturbance, with insufficient mitigation proposed.

4. Soil, Water and Structural Risks

The Arboricultural Report compiled by Lizard refers to the soil as:

"Soils on site are described as slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils".

- Therefore, as shrinkable clay soils are present, tree root activity can lead to soil shrinkage, while sudden removal or damage to roots can create heave risks as the soil rehydrates. It is advised by Southern Water that certain types of trees are excluded within 3 metres from the centre line of the sewer or water main to avoid these issues. Some of these trees are listed on page 36 of the Report within 3

metres of the centre line, the oak, in particular is notorious for causing subsidence damage and is too close to Plot 5.

- The proposal involves works likely to sever root systems, destabilise trees, and cause long-term structural problems¹.
 - Underground services further increase the likelihood of root ingress and failure if not adequately designed and protected².
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5. Planning Policy Conflict

The proposal is contrary to:

- Horsham District Planning Framework Policy 31³ that requires protection and enhancement of green infrastructure and biodiversity, resisting development that results in the loss of significant trees.
 - The proposal fails to adequately demonstrate how the loss of ecological value and the risk to mature trees will be mitigated or compensated.
 - NPPF paragraph 187-201⁴: which requires refusal of development resulting in the loss or deterioration of irreplaceable habitats, including veteran trees.
 - Local Plan policies on biodiversity, landscape and tree protection⁵, which seek to safeguard high-value trees, hedgerows, and rural character.
 - Biodiversity Net Gain principles⁶, given the inevitable hedgerow loss and inadequate mitigation.
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6. Conclusion

The proposal presents a serious and demonstrable risk to protected and high-value trees, both on and adjacent to the site, as well as the mature oak and pine trees forming part of the site boundaries and adjoining woodland. These trees provide bat roosting features, nesting habitat for birds, and essential landscape connectivity.

¹ A homeowner's guide to subsidence and heave damage "Has your house got cracks" Tim Freeman, Richard M.C.Driscoll, G.S.Littlejohn 2nd Edition 2002

² [Handbooks and technical documents - Southern Water](#)

³ [Horsham District Planning Framework 2015](#)

⁴ [National Planning Policy Framework - 15. Conserving and enhancing the natural environment - Guidance - GOV.UK](#)

⁵ The **Horsham District Local Plan Regulation 19** contains policies addressing open space, biodiversity net gain, the wider countryside, and trees. It is underpinned by a Green Infrastructure (GI) strategy, which sets out clear guidance to ensure and protect urban greenspace.

⁶ [Biodiversity Net Gain: Good Practice Principles for Development. | CIEEM](#)

The applicant's arboricultural assessment is outdated, inaccurate, and fundamentally flawed.

The harm includes:

- Likely irreversible damage to a veteran oak and other mature trees.
- Encroachment into RPAs of off-site trees, including those in our client's ownership.
- The inevitable loss of hedgerow, damaging landscape character and biodiversity.
- Soil and structural risks associated with inappropriate tree management.
- Given the proximity to Ancient Woodland, and in light of national and local policy, permission should be refused or significantly redesigned to provide greater protection and buffer zones for these trees.

Name: Sarah Dodd

Director - Tree Law

Date: 22 August 2025
