Horsham District Council

Mrs Madeline Taig
Connick Tree Care
New Pond Farm Depot, Connick Tree C
Woodhatch Road
Reigate
RH2 7QH

Application Number: DC/24/1271

TOWN & COUNTRY PLANNING (Tree Preservation) (England) Regulations 2012

On behalf of: Mr Thomas Coleman Saxon Weald Homes Ltd

In pursuance of their powers under the above-mentioned Regulations, the Council hereby notify you that they REFUSE to permit the works specified hereunder, that is to say:

Fell 1x Oak.

19 Streetfield Road Slinfold West Sussex RH13 0SE

as shown on Plan and Application Number DC/24/1271 submitted to the Council on 21/08/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 Refuse for the following reasons:

0.1 The felling of this tree would result in an unacceptable loss of amenity to the area, and insufficient evidence that the tree is in terminal decline has been provided to justify this action .

Note to Applicant
The Officers full report is attached for your information.

Catherine Howe
Head of Strategic Planning

Date: 06/11/2024

ADDITIONAL INFORMATION

Right of Appeal
If you are aggrieved by the decision to refuse permission for the proposed works or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

You must appeal within 28 days of the date of the decision notice for an application for works to trees subject to a tree preservation order. Please note, only the applicant possesses the right of appeal.

The details of how to appeal together with the form which must be used can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or on-line at www.gov.uk/planning-inspectorate.

Compensation

If you suffer any loss or damage as a result of this refusal of consent, you may be entitled to recover compensation from the Council. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be made in writing to the address at the head of this notice.

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO: **DC/24/1271: 19 Streetfield Road, Slinfold.**

CONSTRAINT:
TPO 0024 Confirmed 14/10/1970 *(Application refers to tree T16 Oak)*

RELEVANT PREVIOUS HISTORY:

SF/66/03	Surgery 1 x Oak	Application permitted
DC/07/1444	Surgery 1 x Oak	Application permitted
DC/15/1650	Surgery 1 x Oak	Application withdrawn
DC/23/0103	Surgery 1 x Oak	Application permitted
DC/23/1346	Surgery 1 x Oak	Application permitted

REPRESENTATION AND CONSULTATION RESPONSES:
Slinfold Parish Council has stated an objection to this proposal.
No additional representations have been received in respect of this application.

ASSESSMENT:
11. The tree the subject of this application is situated in the front garden of 19 Streatfield Road, a semidetached dwelling located on a prominent corner plot within a built-up residential area. The tree is directly adjacent to the main entrance of the" Telephone Exchange" to the east.

2. The applicant seeks consent to fell the tree due to concerns with die-back and deadwood in the crown, and because they consider that the tree is going to decline further; the application has not been supported by any detailed evidence to support this assumption, such as a tree condition report.

3. The tree is a mature Oak, with a pleasant compact form due to previous surgery works to maintain its size and form with regard to its location. The western, and southern sides of the crown were fully foliated. In contrast, the live growth on the eastern, and northern sides was more sporadic, and there were several dead vertical and lateral branches, in the centre of the crown and on its outer extremities in these areas. At the time of inspection, Tuesday the 17th of September 2024 the tree was around 80% foliated. The fruiting bodies of ***Stereum Gausapatum***, commonly known as Oak curtain crust were visible on the sections of the standing dead wood. This species of fungi is generally considered to be saprotrophic, whereby it is found on deadwood, and is considered to be unable to colonise functional living cells, in the host tree. As such, its presence on the standing deadwood is not necessarily deemed to be a cause for significant concern or uncommon. There were no visible signs of current or historical fruiting bodies of any pathogenic decay fungus, often seen on trees of this species and age on the main stem or at the base of the tree, which appeared sound.

4. This tree is the premiere wooded feature on the northern side of Streetfield Road and has a very high level of public amenity worth and landscape value; despite the deadwood on the eastern, and northern sides of the crown, which is not particularly noticeable when viewed from within the public domain. The visual amenity the tree provides is not limited to the immediate locality. Due to its current size and form, it can be readily seen from different viewpoints in the area, up to 95m away at the junction of Streetfield Road and Lowfield Road and 64m to the east where Streetfield Road meets the Grattons. Consequently, the loss of the tree would be noticeable and would give rise to significant harm to the character and appearance of the area.

5. From the submitted information, and that gleaned on site it is clear that the justification for the felling of this tree rests primarily on the perception that the crown will continue to decline, and the risk posed by the deadwood should it fail and fall on the areas below the tree.

6. It is acknowledged that parts of the crown have died and there is dead wood in the crown. However, it is also evident that a high percentage of the tree's crown is still alive and functioning. The concerns with the deadwood could be easily managed and attended to at any time without the need for a formal application, whereby the removal of true deadwood with no live buds or foliage is exempt from the application process.

7. Guidance on the determination of applications for works to protected trees (Planning Practice Guidance – Tree Preservation Orders and Trees in Conservation Areas) advises that consideration as to whether proposed works are justified should be considered in the light of the assessment as how the tree is viewed within the local landscape context in terms of the amenity value of the tree " the likely impact of the proposal on the amenity of the area". It advises that "in general terms, it follows that the higher the amenity value of the tree or woodland and the greater the negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted."

8. It is accepted that the tree's retention may be deemed to be inconvenient to the applicant, due to its ongoing management, and the need to monitor its condition moving forward. However, as with any application to fell a protected tree, a balancing exercise needs to be undertaken. The essential need for the tree's removal and the reasons provided for this action must be weighed against the resultant loss to the amenity of the area. In this case, the felling of the tree would result in significant harm to the character and appearance of the area, and it is considered that insufficient evidence has been provided to demonstrate the tree's structural and physiological condition has declined to the extent to justify its felling. In addition, any replacement tree, even if of heavy-duty nursery stock, would take many years to reach a similar stature and thus would take many years to reinstate a similar level of visual amenity that the tree currently provides to the area.

RECOMMENDATION:
Refuse for the following reasons: 01. The felling of this tree would result in an unacceptable loss of amenity to the area, and insufficient evidence that the tree is in terminal decline has been provided to justify this action.

DELEGATED

Authorising Officer sign……ANBU……., ***Arboricultural Officer (Strategic Planning).***

Date……06 Nov 24…