Horsham District Council

Mr Sebastian Robinson
Bronzeleaf Ltd
Oakwood Farm
Five Oaks Road
Horsham
RH13 0QW

Application Number: DC/24/0332

TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

On behalf of: Bronzeleaf Rail Ltd Robinson Bronzeleaf Ltd

In pursuance of their powers under the above-mentioned Regulations, the Council hereby issue a **SPLIT DECISION** as set out below, that is to say:

Surgery to 1x Lawson Cypress and 2x Sweet Chestnut

11 Allcard Close Horsham West Sussex RH12 5AJ

as shown on Plan and Application Number DC/24/0332 submitted to the Council on 28/02/2024. The reasons for the Council's decision on the above works are specified hereunder.

REFUSE , on the grounds that:

2 Split decision whereby the works to T15 are approved, the works to T14 are restricted and the works to T16 are refused for the following reason; The works to T16 would erode its stature, longevity, and diminish the very good level of amenity it has value it has.

PERMIT , subject to the conditions hereunder:

1 The tree work to which this consent relates shall be carried out within two calendar years of the date of this consent.

Reason: To enable the Local Planning Authority to review the need for the works in the event of this consent not being implemented.

3 The tree work to which this consent relates shall be limited to:
- o T14 - reduce in height by no more than 1m.
- o T15 - undertake re-pollarding works exactly as proposed.

Reason for the avoidance of doubt

4 The surgery to which this consent relates shall be carried out in accordance with BS 3998 'Recommendations for Tree Work' (2010). Where applicable, retained side shoots intended to form the new dominant shoot must be at least 30% of the diameter of the parent branch.

Reason: To ensure that the surgery is carried out in accordance with best arboricultural practice.

Note to Applicant
The applicant is strongly advised to ensure that the contractor carrying out the work is made aware of the above conditions. Should the works carried out exceed that which is permitted then it may be open to the Local Planning Authority to take prosecution action against any person who has caused or permitted this. If the applicant is unclear about any aspect of the specification for works, they are strongly advised to contact the Council's Arboricultural Officer on 01403 215515 prior to the commencement of the works.

Note to Applicant
The applicants attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Details: Tel: 0345 1300 228; E-mail: enquiries@bats.org.uk

Note to Applicant
The Council notes that the tree(s) referred to is/are not within your property. Whereas the Council permits the works scheduled above, it should be stressed that the whole of the works may only be carried out with the consent of the trees' owner. The parts of the works in respect of foliage overhanging your property may be carried out under rights of Common Law, but you are advised that whatever is removed from the tree(s) remains the property of the trees' owner, and should be offered back to him/her. Disposal of such foliage by placing it within your neighbour's property without his/her consent constitutes fly-tipping, and is not permissible. This notice of consent in no way overrides the wishes of the tree(s) owner, nor should any inference be taken as such.

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



Catherine Howe
Head of Strategic Planning

Date: 20/05/2024

ADDITIONAL INFORMATION

Right of Appeal
If you are aggrieved by the decision to refuse permission for the proposed development 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 28days 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 of 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.