Horsham District Council

Mr Ben Wells
60 Ringley Road
Horsham
West Sussex
RH12 4AT

Application Number: DC/25/0007

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

On behalf of:

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:

Fell 3x Oak and surgery to 1x Oak

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as shown on Plan and Application Number DC/25/0007 submitted to the Council on 16/01/2025. The reasons for the Council's decision on the above works are specified hereunder.

REFUSE , on the grounds that:

1 The works to T3 are refused on the grounds of insufficient justification for the surgery works which would result in a loss of amenity to the area.

PERMIT , subject to the conditions hereunder:

2 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:

- Fell T1, T2 and T4 to ground level. NO works permitted to T3.
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Rason: for the avoidance of doubt

4 The applicant shall within a period of six months following the felling of the tree T4, the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority. In the event that this tree should die following planting, it shall be replaced with a similar tree in a similar position within six months of its death.

Reason: In the interest of amenity.

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 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 Officers full report is attached for your information.



Catherine Howe
Head of Strategic Planning

Date: 28/03/2025

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.