

Mr Andrew Wright
14 Fletchers
Southwater
West Sussex
RH13 9BE

Application Number: DC/26/0871

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 1x Oak and Surgery to 2x Oak.

14 Fletchers Southwater West Sussex RH13 9BE

as shown on Plan and Application Number DC/26/0871 submitted to the Council on 15/06/2026. The reasons for the Council's decision on the above works are specified hereunder.

REFUSE , on the grounds that:

- 1 The felling of tree T1 is refused for the following grounds - The removal of T1 would result in the loss of a healthy protected tree that makes a positive contribution to the character and appearance of the area as such the proposed felling is not considered justified by the reasons put forward in support of the application.

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:
 - Crown lift trees T2 and T3 as per the specification stated on the submitted application form.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 Officers full report is attached for your information.



Catherine Howe
Head of Strategic Planning

Date: 25/09/2026

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 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 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.

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO: **DC/26/0871: 14 Fletchers, Southwater, West Sussex, RH13 9BE**

REPRESENTATION AND CONSULTATION RESPONSES:

South water Parish Council has stated No objection to surgery to 2x Oak. In respect of fell 1 x Oak, we support the Planning Officer's decision.

No additional representations have been received in respect of this application.

ASSESSMENT:

1. The trees subject to this application are Oak trees protected by Tree Preservation Order TPO/0598 and located to the rear of 14 Fletchers. The proposals comprise crown lifting works to T2 and T3 and the felling of T1. The trees appear to be in good physiological condition, with no significant defects noted, and collectively provide a positive and attractive landscape feature with good public amenity value.

2. The proposed crown lifting works to T2 and T3 principally involve the removal of lower epicormic and minor shoots to provide increased clearance beneath the canopy. These works are limited in extent and are not considered likely to adversely affect the health, appearance or long-term condition of the trees. Furthermore, the proposed removals would not materially alter how the trees are perceived within the wider landscape and would therefore have a negligible impact on their amenity value.

3. In respect of the proposed felling of T1, site observations indicate that the three Oaks have developed as a closely associated group. Whilst individually the trees exhibit relatively slender stem diameters for their height, their close proximity has resulted in the crowns becoming largely coalescent, creating the appearance of a single mature, wooded feature.

4. Views of T1 from within Fletchers are relatively limited due to the tree being partially obscured by the adjacent Oaks. However, when viewed from Allendale, the relationship between the three trees becomes more apparent, with the crowns forming a broadly symmetrical and cohesive canopy structure.

5. The removal of T1 would create a noticeable gap within the canopy and diminish the contribution currently made by the group as a whole. Whilst some canopy expansion by the retained Oaks may occur over time, this would take many years to re-establish the existing visual continuity. The trees also contribute to the wider canopy network associated with Smith's Copse and the adjacent area of ancient woodland, helping to maintain landscape character and ecological connectivity.

6. The applicant advises that the tree contributes to nuisance through the shedding of leaves, acorns, dead twigs and other seasonal debris. Whilst this is acknowledged, the shedding of leaves, fruit, seed and associated material is a normal function of a tree and an inevitable characteristic of living adjacent to mature trees and woodland.

7. Although much of this material is likely to affect neighbouring land due to the tree's proximity to the boundary, the periodic clearance of such debris is generally regarded as routine property maintenance and, in itself, does not provide sufficient arboricultural justification for the removal of a protected tree.

8. Having regard to the trees' good health, visibility, and positive contribution to local amenity, together with the contribution T1 makes as part of this prominent coalescent group and the wider canopy network associated with Smith's Copse, the adjacent ancient woodland, the proposed felling is not considered justified. Its removal would result in a noticeable loss of amenity and harm the character and appearance of the protected tree group and should be resisted for the reasons provided.

RECOMMENDATION:

Grant consent by way of a split decision where the surgery works to Trees T2 and T3 are permitted.

The felling of tree T1 is refused for the following grounds - The removal of T1 would result in the loss of a healthy protected tree that makes a positive contribution to the character and appearance of the area as such the proposed felling is not considered justified by the reasons put forward in support of the application.

CONDITIONS TO BE APPLIED:

1. TR2 *Time limit, 2 years*

2. TR3a *Treeworks limit (bespoke)*

The tree work to which this consent relates shall be limited to:

- Crown lift trees T2 and T3 as per the specification stated on the submitted application form.
Reason: for the avoidance of doubt

3. TR4

Surgery standards

TINF1

Note to applicant.

TINF2

Wildlife protection.

DELEGATED

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

Date...25 Sep 26.....