Horsham District Council

Peter Allen
Willowbank
Hayes Lane
Slinfold
RH13 0SA

Application Number: DC/24/1455

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

On behalf of:

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 Horse Chestnut.

Little Park Park Road Slinfold West Sussex

as shown on Plan and Application Number DC/24/1455 submitted to the Council on 20/09/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

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

Catherine Howe
Head of Strategic Planning

Date: 04/12/2024

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/24/1455: Little Park, Park Road, Slinfold, RH13 0SD.**

CONSTRAINT:
TPO 0726 Confirmed 07/01/92 *(Application refers to tree T8)*

RELEVANT PREVIOUS HISTORY:

SF/56/88	Erection of 2 houses	Application Refused
SF/31/89	Erection of 2 houses	Application Refused
SF/50/89	Erection of bungalow	Application permitted
SF/76/91	Erection of 1 x 3 bedroomed bungalow	Application permitted
SF/12/92	Surgery on 5 oak trees	Application permitted
SF/44/95	Surgery on 1 x ash tree, 1 x horse chestnut tree	Application permitted
SF/55/95	Fell 1 x horse-chestnut tree	Application Refused/ Appeal Dismissed
DC/06/2501	Fell 1 x Oak and surgery to various trees	Application permitted
DC/19/0642	Surgery to 1 x Horse Chestnut and 1 x Oak	Application permitted

REPRESENTATION AND CONSULTATION RESPONSES:
Slinfold Parish Council has stated an objection to this proposal, on the grounds that - ***The Parish Council's tree wardens advised this is a healthy tree so the Council can see no reason why the application is justified***.
No additional representations have been received in respect of this application.

ASSESSMENT:
1. The tree the subject of this application is an early mature Horse chestnut, located in the easternmost section of the rear garden of the property “Little Park”, on Park Road, a Cul-de-sac in the village of Slinfold. The property is a detached bungalow, which is accessed from the north on Park Road using a long driveway situated between two properties “Homelea” and “Mosmiko”. The driveway leads to the main part of the property, with the main dwelling to the west, a detached brick garage to the east and garden to the north, east and west.

2. The garden of "Little Park" is an irregular shape. It is surrounded by the rear gardens of several properties in the area; “Homelea” and “Mosmiko” to the south, “Deerswood” to the west, “Willow Bank”, on Hays Lane to the east, and two properties on West Way to the north. The garden of "Little Park" is generally set to lawn, with several formal flower beds, specimen trees and shrubs, sited in various locations throughout, and is of an informal formation and use. In the eastern part of the garden is a glass house vegetable patch.

3. The property is situated within a built-up residential area, in the modest-sized village of Slinfold. The tree forms part of a group of trees at “Little Park”, that are readily visible from several public viewpoints in the locality on Park Lane to the south, and to the west on Hays Lane. This group of trees make a positive contribution to the character and amenities of the area. Due to its position on the edge of the group, the tree in question can be seen within the group, as such it is considered that the tree makes an important contribution to the group as a whole, and its wider landscape value.

4. Despite its location in the rear garden of “Little Park”, the tree can be seen from 54m to the south on Park Road, through a break in the tree line at the front of the property “Homelea”. 72m to the east at the junction of Streetfield Road and Hays Lane, the tree can be seen through a gap in the property line between the properties “Felstead” and “Willow Bank”. The tree is considered to contribute to the wilder visibility of the group, and as an individual specimen has a reasonable level of amenity value when viewed within the local landscape context.

5. The existing mature trees on either side of the shared access for the properties Felstead” and “Willow Bank” currently slightly impede views of the tree when viewed from this aspect. However, in this regard, it is worth noting that the conifer species tree at the front of “Felstead” appears to be in terminal decline and is around 30% foliated and will likely need to be removed as its condition deteriorates. In addition, given the ongoing issues with Ash dieback (ADB) (***Hymenoscyphus fraxineus***) a chronic fungal disease of ash trees characterised by leaf loss and crown dieback in infected trees, in the area, there is no guarantee that the mature Ash tree at the front of “Willow Bank” will not become infected with ADB in the future and need to be

removed. Should either tree be removed, the public visibility and landscape stature of the Horse Chestnut would be improved.

6. The tree has a balanced and compact form due to previous surgery works to manage its size with regard to its location. From ground level the tree appears to be in good health, and stable with no obvious structural or psychological issues being observed during the site visit.

7. This application has been made by the owner of the adjacent property to the east “Willow Bank”, who has an agreement in place with the tree owner (who supports the proposal) to remove the tree should consent to fell the tree be permitted. The reasons provided to justify the tree removal and the loss of amenity to the area are as follows.

- The tree is non-native to the UK.
- They consider that the need for the TPO is redundant.
- Concerns with the ongoing management of the tree, and the impact its retention has on their property with regard to restricting the growth of trees and shrubs under its canopy.
- Damage to the boundary fence.
- The inability to grow vegetables and flowers under its canopy, and further due to the spread of the roots.

8. The tree is located around 24m from the western flank wall of the applicants’ property, which, is considered to be a reasonable juxtaposition. The rear garden of the applicant’s property is around 400 square meters in size, and It is generally set to lawn, with several formal flower beds, specimen trees and shrubs, sited in various locations throughout, and is of an informal formation and use. The rear garden appears to be well-kept and regularly used.

9. It is acknowledged that the tree is a non-native, however, any tree can be protected by a TPO regardless of species.

10. The TPO was put in place almost 30 years ago, and the protection that it does afford to the tree the subject of the application and the other protected trees at “Little Park” provides clear evidence of the value of the trees at the property as a landscape feature. Without the TPO being in place, it is foreseeable that a number of trees at the property would have been lost over the years since the dwelling was built.

11. It is accepted that it would be challenging to grow certain types of vegetation directly under the canopy of the tree, however, consideration could be given to selecting shade-tolerant plants and shrub species to help achieve the best chances of successful understory planting.

12. It is acknowledged that the retention of the tree may be deemed to be inconvenient due to its impact on the boundary fence that separates the applicant's and tree owners’ properties. However, alternative options could be considered such as placing the fence line on either side of the tree, north to south, or moving the fence line slightly to the east or west to allow for future growth in the main stem.

13. As mentioned above it is accepted that it may challenging to grow certain types of vegetation and vegetables, directly under the canopy of the tree. A solution to help address the concerns with the inability to grow flowers and vegetables in the areas near the tree due to the spread of the roots would be to use raised beds, to avoid coming in contact with any surface roots.

14. It is accepted that the tree’s retention may be inconvenient to the applicant, due to its ongoing management and the impact on certain parts of their garden. 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. Consequently, the loss of the tree would be noticeable and give rise to harm to the character and appearance of the area.

15. 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.

16. In this case, I accordingly consider that there is insufficient justification to fell this protected tree.

<u>RECOMMENDATION:</u>

Refuse consent. For the flowing reason - It is considered that the removal of this tree is inappropriate and unjustified for the reasons put forward, and that such an action will result in harm to the character and amenities of the area.

DELEGATED

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

Date……04 Dec 24…