Horsham District Council

Mr John Hajdukiewicz
17 Covert Mead
Ashington
West Sussex
RH20 3PR

Application Number: DC/25/0349

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:

Surgery to 1x Oak

17 Covert Mead Ashington West Sussex RH20 3PR

as shown on Plan and Application Number DC/25/0349 submitted to the Council on 10/03/2025. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 Reason: The proposed works, undertaken prematurely, would erode the stature and the long-term health of the tree, and would nullify the amenity value that it affords to the area; an action that is presently unjustified for the reasons provided.

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

Catherine Howe
Head of Strategic Planning

Date: 19/05/2025

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.

Officer Report bellow.

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO: **DC/25/0349: 17 Covert Mead, Ashington.**

CONSTRAINT:
TPO 0882 Confirmed 13/02/1998 *(Area Order)*

RELEVANT PREVIOUS HISTORY:

DC/06/0112	Surgery to 1 x oak tree	Application permitted
DC/11/0527	Surgery to 1 x oak tree	Application permitted
DC/18/0093	Surgery to 1 x oak tree	Application permitted
DC/21/0900	Surgery to 1 x oak tree	Application permitted

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

ASSESSMENT:
1. The tree the subject of this application is a mature Oak tree located in the northeast corner of the applicants' rear garden. The tree is protected under an Area Tree Preservation Order (TPO) No. 0822.

2. The proposed works are to crown reduce the tree by up to 25%. The reasons stated for the works are as follows –

- The proximity of the tree to their property
- They consider that repeated surgery works are needed to maintain the health of the tree.
- Concerns with the possibility of damage to the tree and house in high winds.
- The need to demonstrate to their home buildings insurance provider has maintained the tree to comply with their policy.

3. The oak tree is one of the old field boundary trees retained when the area was developed for residential use in the late 90s. It is a healthy, mature specimen with a dense, compact form, due to previous works to manage its size and form with regard to its residential setting. Since the last works were completed, the tree has put out around 1 to 1.5m of new growth, and presently the radial crown spread extends roughly 3.6m to the east, 4.5m to the south, 3.6m to the west, and 5.5m to the north. The tree has a reasonable relationship with the applicant's property, whereby the base of the tree is located 8.6m from the northeast corner of the dwelling, and the closest part of the crown is located at a distance of 3.6m from the property; as such, no parts of the trees crown are directly affecting the property. The tree in its current form did not appear to be unreasonably impacting the use of the garden areas for the property, which appeared to be well used and well maintained.

4. A site inspection has confirmed that the tree appears to be in fair structural and physiological condition, with no obvious signs of significant disease, decay, or compromised structural integrity present at the time of inspection.

5. Despite its rear garden setting, and the built-up residential nature of its location, this oak is highly visible when viewed form the within the public domain, particularly from the cycle/footway 30m to the west, which links Covet Mead with Merrods Way to the north. In addition, the top of the tree can be glimpsed between the build form of the dwellings in the area, when viewed from the road to the south; outside of 26 Covert Mead in the. The tree in question is considered to have a good level of public visibility and landscape value; it makes a positive contribution to the character and amenities of the area.

6. While it is acknowledged that the time scale between the 2018 and 2021 works is similar to the length of time between this application and the 2021 works. However, from the site inspection, it was evident that the tree had not fully recovered from previous pruning works carried out three years ago. To repeat such a pruning regime at this early stage would not be appropriate and would not represent good arboricultural practice as advised in the current industry standard BS3998 Tree Works Recommendations 2010.

7. Additionally, I am conscious of the cumulative stress that this type of cyclical pruning places upon trees, especially those which have not yet had the opportunity to properly recover from previous surgery works. In this case, further work would likely erode the stature and long-term health of the tree, which is contrary to the principles of sustainable tree management.

8. Concerning the reason provided for the works, with regard to the applicants' home insurance policy. Although the Council has not seen any evidence of this requirement, it doesn't have any good reason to disbelieve that this may be the case. Nonetheless, given the length of time between the 2006, 2011 and 2018 works, it would imply that while the tree owner may need to demonstrate that the tree is being managed, a five-to-six-year interval between such management works has previously been deemed to be acceptable timeframe to comply with this requirement.

9. It is also worth noting that other trees, such as the off-site Ash trees to the west of the tree, are showing signs of stress, consistent with Ash dieback infection. Reinforcing the need to manage this specimen with care, given the likely loss of several mature trees in the area in the years ahead. The successful preservation and retention of this tree is therefore vitally important in maintaining both the visual character and amenities of the locality

10. At the same time, it is accepted that there is a need to manage the tree, with regard to its location. However, as advised previously, it would not be appropriate, or represent good arboricultural practices, to do this until the tree has fully recovered from the previous works. Should a new application be received showing a length of time between the works similar to the 2011 and 2018 applications, i.e. around five to six years, this would likely be well received, provided the works are in line with good arboricultural practice and wouldn't have a detrimental impact on the amenity value of the area.

RECOMMENDATION:
Refuse consent - Reason: The proposed works, undertaken prematurely, would erode the stature and the long-term health of the tree, and would nullify the amenity value that it affords to the area; an action that is presently unjustified for the reasons provided.
DELEGATED

Authorising Officer sign……ANBU……., ***Arboricultural Officer (Development).***

Date……19 May 2025…