Planning Inspectorate

# Appeal Decision

Site visit made on 14 April 2026

**by Jonathan Fulcher DipArb FArborA**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 June 2026**

**Appeal Ref: APP/TPO/Z3825/10709**
**24 The Willows, Billingshurst, Horsham RH14 9WL**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order (TPO).
- The appeal is made by Mr Jonathan Vernon against the decision of Horsham District Council.
- The application Ref: DC/25/0268, dated 22 February 2025, was partly determined by notice dated 30 May 2025.
- The work proposed is T1 and T2 reduce crown by one third.
- The relevant TPO is The Willows, Billingshurst Tree Preservation Order 2013, which was confirmed on 1 October 2013.

## Decision

1. The appeal is dismissed.

## Procedural matters

2. The appeal form suggests at Section E that the appellant is appealing against conditions attached to the consent. However, it is clear from the comments in the grounds of appeal that the appeal relates to the works as specified in the application.

3. The Council granted consent for some part of the works proposed and also for works not included in the application. The consent for T1 was thinning of the internal crown by 15% and removal of dead wood. The consent for T2 was reduction of lateral branches towards the house back to existing pruning / growth points and thinning of the internal crown by 15% and removal of dead wood. The crown thinning was not referred to in the original application, and the removal of dead wood does not normally require consent.

4. My decision does not affect those consented works, and my deliberations focus on the works as applied for.

## Main Issues

5. The main issues are the effect of the proposed works on the character and appearance of the area; and whether sufficient justification has been demonstrated for the proposed works.

## Reasons

6. The Willows is a quiet residential cul-de-sac in the south west suburban outskirts of Billingshurst. Properties in the area are typical detached and semi-detached two-storey dwellings in their own modest grounds. The orientation of dwellings to the road varies from face on to perpendicular. This breaks up the built form and allows for pockets of vegetation including large shrubs and trees in a variety of species and sizes. The overall character is a pleasant mix of houses in a variety of styles, with trees and shrubs providing an attractive local landscape character.

7. 24 The Willows is a detached three-storey dwelling in its own grounds at the south end of The Willows, the dwelling having its front elevation facing north east and the rear elevation is south west-facing. To the east The Willows is bounded by a small stream with trees and large shrubs along its banks forming a belt of vegetation. There are trees to the south and south west which combine to give No 24 a pleasant and secluded setting.

8. The appeal trees are two oaks, with T1 in the rear garden of the adjacent property to the south, Oak Tree Cottage and close to the boundary fence. T2 is in the rear garden of No 24. There is no dispute that the trees are in fair form and viability, with some minor dead wood and appear to be in good structural and physiological condition. Both trees have been managed by pruning, with T2 showing evidence of crown reduction overall with the regrowth forming the reduced and reshaped crown.

9. Both trees are visible and prominent from The Willows and from various vantage points along Berrall Way. Their separation from the nearby tree groups and tree belts gives them a degree of individual amenity significance, although their crowns appear from most viewpoints to merge and give the impression of a single crown, most evident when the trees are in leaf.

10. Pruning by overall crown reduction (height and spread) by one third would significantly diminish the size of the tree crowns and substantially reduce the contribution of the trees to the pleasant landscape and verdant character of the local area. It would introduce a managed appearance at odds with the generally natural forms of most trees in the vicinity. That would lead to unacceptable harm to the character and appearance of the locality. As such, any reasons for pruning need to be compelling and it is to that second main issue that I now turn.

11. When I visited the site, I did not see that the crown of T2 significantly overhung the house. The tree stands southwest of the corner of the dwelling and about 4m from it, with the crown spread towards the house being about 4-5m. Past crown reduction pruning has given a separation and clearance between the crown and the dwelling of 3-4m. There is little risk of branches touching the dwelling even in strong winds. In respect of the risk of branches breaking in strong winds, no tree is immune from such risks and pre-emptive pruning for that reason is not usually warranted. In respect of disease, I saw a branch with scarring and incipient decay, but no pressing evidence to show that this branch is likely to fail so as to warrant the proposed pruning.

12. I accept that trees can give rise to anxiety in respect of the possibility of falling in strong winds, but I have seen no evidence to show that this tree is more vulnerably or likely to fail than other normal trees of the species. I did not see raising of the patio between the tree and the dwelling or disruption of the surface sufficient to constitute a trip or mobility hazard, and in any event, there are generally reasonable and less onerous remedies to this than the pruning as proposed.

13. Turning to T1, I accept that the tree has the potential to fall on the property, but I have seen no evidence to show that this tree is more vulnerably or likely to fail than other normal trees of the species.

14. In respect of the branches from trees T1 and T2 touching, this seems simply a natural consequence of trees in mutual proximity and presenting no more significant risk than branches of a single tree touching each other in strong winds.

15. With any application to carry out works to protected trees, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the proposed tree works would result in harm to the character and appearance of the locality and, in my judgement, insufficient justification has been demonstrated for the proposed works.

16. Thus, having considered all matters raised, I conclude that the appeal should be dismissed.

*Jonathan Fulcher*

INSPECTOR