Horsham District Council

Mrs Sandra Simmonds
47 Martlets
West Chiltington
Pulborough
West Sussex
RH20 2QB

Application Number: DC/24/1904

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.

47 Martlets West Chiltington Pulborough West Sussex

as shown on Plan and Application Number DC/24/1904 submitted to the Council on 09/12/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 **Refuse consent for the following reasons:** the proposed works would considerably alter how the tree is viewed within the local landscape thus resulting in harm to the character and amenities of the locality, an action which appears to be unjustified for the reasons stated.

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

Catherine Howe
Head of Strategic Planning

Date: 10/02/2025

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.

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO: **DC/24/1904: 47 Martlets, West Chiltington.**

REPRESENTATION AND CONSULTATION RESPONSES:
No representations have been received in respect of this application.

ASSESSMENT:
1. The tree, the subject of this application, is a large and mature oak, located on a parcel of Highways land that separates Martlets to the West and Haglands Copse to the East. The tree is a highway's tree under the ownership and management of WSCC Highways Authority, and forms part of a line of protected trees within the area listed as A1 of TPO/0196, served on 18-03-1971.

2. The tree is a specimen of fine form with a well-balanced crown, and it appears to be in good health. The tree has good bud density, and vigour, despite its constricted rooting medium due to the surrounding compacted ground that forms the adjacent highway. Some deadwood was noted in the crown, although this was not considered to be uncommon given the tree's age and the size of the deadwood. The removal of true dead wood, with no live buds or foliage, can be completed at any time, without the need for an application under the dead wood exemption.

3. Due to its roadside location, the tree is very prominent, and it makes a positive and substantial contribution to the character and amenities of the area; it is considered to have an excellent level of public amenity value when viewed within the local landscape context with views of the tree extending some distance to the east and west.

4. The applicants are the residents of an adjacent property (47 Martlets). They seek consent to reduce the trees crown by approximately 15-20 % and to remove a lower limb on the northwest side of the tree, which slightly overhangs the drive of 47Martlets and the adjacent highway. The works are listed as a 15 to 20% crown thin on the application form, but it was confirmed at the site visit that the application should refer to a full crown reduction and not thinning. The reasons stated for the works are due to concerns with the tree's size, and to reduce the weight/sail effect of the trees crown.

5. The application also refers to works undertaken upon another protected tree in the line. Regarding this, I can advise that these works in question were unauthorised and completed without the Council's knowledge. In addition, these works have been very poorly executed, and in excess of best practice as advised in the current industry standard BS 3998. As such, this is not considered to be a material consideration in the determination of this application.

6. It should also be noted that as a WSCC Highways tree, it will have been assessed as part of the routine inspection of the WSCC trees in the area. This would imply that the tree is currently being assessed, and maintained in accordance with good arboricultural practices, and if any safety works were needed this would have been picked up by the County Council when the last inspection was undertaken.

7. Guidance on the determination of applications for works to protected trees (Planning Practice Guidance – Tree Preservation Orders and Trees in Conservation Areas) advises that consideration as to whether proposed works are justified should be considered in the light of the assessment as how the tree is viewed within the local landscape context in terms of the amenity value of the tree. " **the likely impact of the proposal on the amenity of the area".** It advises that "**in general terms, it follows that the higher the amenity value of the tree or woodland and the greater the negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted."**

8. Presently the tree has a good relationship with the built environment, it sits within. Whereby, no part of the tree is directly impacting any of the nearby dwellings, in terms of branches touching or overhanging the built form of the properties. There is some minor lateral extension over the parking/garden areas of the nearby residences, but this doesn't appear to be to such an extent to warrant reducing the entire tree.

9. It is acknowledged that the proposed surgery works would help to address the concerns of the applicant with regards to the tree's size and that they could likely be completed in accordance with industry best practice as set out in BS3998 Tree Work – Recommendations (2010). In physiological terms, it could be argued that the works are unlikely to result in any significant harm to the tree in the long term. However, the works proposed would considerably alter the visual aesthetics of the tree and have a harmful effect on its fine, broad, spreading form, which is its premier feature. As a result, it is considered that this would, in turn, give rise to harm to the character and amenities of the area, an action which appears unjustified for the reasons stated.

RECOMMENDATION:
Refuse consent for the following reasons : the proposed works would considerably alter how the tree is viewed within the local landscape thus resulting in harm to the character and amenities of the locality, an action which appears to be unjustified for the reasons stated.

DELEGATED

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

Date……10 Feb 25……