Horsham District Council

Mrs Judith Bourke
17 Chesworth Gardens
Horsham
West Sussex
RH13 5AR

Application Number: DC/25/0824

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 Silver Birch

17 Chesworth Gardens Horsham West Sussex RH13 5AR

as shown on Plan and Application Number DC/25/0824 submitted to the Council on 16/05/2025. 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: 18/08/2025

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 on next page…

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO: **DC/25/0824: 17 Chesworth Gardens Horsham.**

REPRESENTATION AND CONSULTATION RESPONSES:
Forest Neighbourhood Council has stated that they wish to defer to the considerations of the HDC Arboricultural Officer.
No additional representations have been received in respect of this application.

ASSESSMENT:
1. The tree subject of this application is a mature silver birch, located in a prominent location on the NE side of the pond to the front of the applicant's property NO.17. The tree is T22 of order No.0619, served on 01/08/1988.

2. The tree is readily visible from numerous public viewpoints in the area. It is a prominent specimen with high public amenity value; it contributes meaningfully to the public landscape, in terms of visual character.

3. The reason stated for the removal of the tree are due to concerns with dead branches, one of which recently fell off. Additionally, the applicant has raised concerns with the tree's condition and the potential risk it poses to nearby properties and individuals, particularly concerning children who live and play on the street, as well as community events such as street parties. However, the application lacks any detailed information on the trees condition, such as a tree condition survey, to support the applicant's assumptions about the tree condition.

4. Upon inspection, the tree was found to be in generally good condition, with a healthy and well-distributed leaf canopy, which indicates good overall vitality. The form of the tree is natural and well-balanced, with no evidence of poor pruning or crown distortion. There were no obvious signs of structural or physiological issues at the time of inspection. The trunk and major scaffold limbs appear sound, with no evidence of decay, cavities, bark dysfunction, or other common indicators of structural failure. Notwithstanding, it was noted that there is a minor presence of dead wood within the crown, and some low dead branches, which is entirely natural in a mature tree of this species and age, given its location within a residential setting.

5. Under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, the removal of dead wood is considered an exempt activity and does not require consent under a TPO. As such, the removal of the dead wood can be completed at any time, without the need for a formal application. This action would be prudent and would also help to address the concerns of the applicant.

6. The proposed removal (felling) of this tree is not supported, as the tree is in good health and condition, and no arboricultural or structural justification has been provided to warrant its removal. Felling this Silver Birch would result in a significant and unnecessary loss of amenity to the area. The tree forms an integral part of the local landscape; Its removal would be noticeable and would cause harm to the character and amenities of the locality.

RECOMMENDATION:
Recommendation: refusal on the grounds that the removal of the tree would result in a loss of visual amenity value to the area, an action which appears unjustified for the reasons provide.

DELEGATED

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

Date……18 Aug 25…