Planning Inspectorate

Appeal Decision

Site visit made on 6 October 2025

by G Harding MSc (Forestry), MicFor, MArborA

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

Appeal Ref: APP/TPO/Z3825/10440
5 Chestnut End, Henfield, West Sussex, BN5 9PG

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a grant of consent to undertake work to a tree protected by a Tree Preservation Order subject to conditions.
- The Appeal is made by Roger Smith against the decision of Horsham District Council.
- The application Ref: DC/24/1471, dated 24 September 2024, was approved on 27 November 2024.
- Consent was granted for 1x Norway Maple: fell.
- The condition in dispute is No 2 which states that: The applicant shall within a period of six months following the felling of the tree, the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority. In the event that this tree should die following planting, it shall be replaced with a similar tree in a similar position within six months of its death.
- The reason given for the conditions is: In the interest of amenity.
- The relevant Tree Preservation Orders (TPO) are The Horsham District Council Tree Preservation Order, 1990, Tanyard Field, Henfield, which was confirmed on 16 April 1991 and The Horsham District Council Chestnut End, Henfield, Tree Preservation Order 2025 number TPO/1584, which is yet to be confirmed.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether Condition No 2 requiring a replacement tree is reasonable and necessary having regard to the effect on the character and appearance of the area.

Reasons

3. The new tree required by Condition No 2 would replace the felled Norway maple which formed part of a group with three oak trees. It is clear that the felled tree and three remaining trees were a well-established group and a large gap is now present in the canopy.

4. All four trees were originally included within a TPO served in 1991 when the trees sat within an area of open space. This TPO has since been amended to reflect their new location within a housing development where the remaining three trees

now sit. Whilst I cannot offer any comment on their visual amenity within the first TPO, it is clear that the trees are now a prominent feature of Chestnut Way where there is a scarcity of other trees of similar stature. Whilst noting that the trees are at the end of the cul-de-sac, with number 5 Chestnut End being one of the last properties, they are very visible from the properties to the north and also from Church Street.

5. I have reviewed the scoring process undertaken by the appellant, and accept that the conditions around the trees have changed since the first TPO. However, the continued protection of all the trees in the TPO is not a matter for my deliberations. Although, in my opinion the remaining trees do offer public visual amenity, for the reasons outlined above, and I have no doubt that the felled tree also previously contributed to the landscape for several decades as part of the group.

6. I do accept that any newly planted tree would initially be obscured by the remaining trees and that it would initially provide little public amenity, as is often the case with a new tree.

7. In addition, the remaining trees would likely create some competition which may affect the form of any new tree, possibly forcing it to grow with a slight lean. However, there is adequate space for a new tree to develop, especially as it could be set slightly further from the stump of the felled tree where space exists to do so. The three remaining trees have been pruned in the past and this work may be repeated in the future which would also allow more light for a new tree.

8. The longevity of the remaining trees is a key factor in my deliberations on this matter as these trees will of course, in time, also decline and the succession of the group must be ensured for the future. Allowing the replacement tree to establish will ensure this valuable group continues to offer significant landscape value into future decades and I see no good reason not to replace this tree in the evidence before me. Overall, the condition is both reasonable and necessary to maintain the character and appearance of the area.

9. For the reasons given above and having regard to all other matters raised, the appeal is dismissed and replacement planting should be undertaken as required by Condition No 2 of the approval.

Glen Harding

INSPECTOR