CONSERVATION AREA NOTIFICATION

ASSESSMENT SHEET

APPLICATION NO: **CA/26/0112: Birchwood The Street Slinfold West Sussex.**

REPRESENTATION AND CONSULTATION RESPONSES:
Slinfold Parish Council has indicated an objection to this notification for the following reasons;

Slinfold Parish Council objects to the removal of this important oak tree, which provides significant amenity value and is a key feature of the conservation area's street scene. The Council questions the structural integrity of the building in question and does not believe that removing a vital, mature tree should be used as an excuse or shortcut to resolve construction issues. The Parish Council strongly urges that other mitigation options, such as a crown reduction, be fully explored and implemented rather than resorting to complete removal.

No additional representations have been received in respect of this notification.

ASSESSMENT:
1. The tree subject to the Section 211 notification is situated at Birchwood, The Street, Slinfold, West Sussex, RH13 0RP. It is a mature Oak of considerable public amenity value, being highly visible within the local landscape and making a significant contribution to the character and appearance of the Conservation Area. Owing to its prominence, size and landscape presence, the tree would ordinarily be considered a strong candidate for protection by way of a Tree Preservation Order (TPO).

2. As this is a notification under Section 211 of the Town and Country Planning Act 1990, the principal matter for the Local Planning Authority is whether it would be expedient in the interests of amenity to protect the tree by making a Tree Preservation Order. In reaching that decision, regard has been given to the tree's amenity value and its contribution to the character and appearance of the Conservation Area.

3. The Section 211 notification proposes the removal of the tree on the basis of its alleged involvement in structural movement affecting the property. This is supported by structural, geotechnical and arboricultural investigations which conclude that the tree is either the principal cause of, or a significant contributing factor to the damage identified.

4. During inspection, the Oak was noted to exhibit several indicators consistent with physiological stress and declining vitality. The crown was relatively sparse and thin in appearance, with reduced foliar density and areas of minor tip dieback evident throughout the upper canopy. Sporadic epicormic growth was also present throughout the crown and on scaffold branches. Whilst epicormic growth can represent a normal adaptive response, its occurrence in conjunction with crown thinning and tip dieback may indicate a tree responding to physiological stress and reduced vigour.

5. No fungal fruiting bodies were observed at the time of inspection; however, cankers were present on the lower stem. Taken collectively, the crown condition, epicormic growth, tip dieback and stem cankering suggest that the tree may be experiencing a degree of physiological decline and reduced vitality. However, it remains a significant mature tree of high public amenity value, and these observations are not, in themselves, considered sufficient to justify its removal. The principal justification for removal therefore rests on the evidence relating to structural damage and the tree's contribution to that damage.

6. The supporting information includes level monitoring, trial pit excavations, soil analysis and root-related investigations. Collectively, this evidence seeks to establish a relationship between the tree, the underlying soil conditions and the movement recorded at the property.

7. Having reviewed the submitted information, the evidence appears to demonstrate a clear correlation between the Oak, the shrinkable clay soils underlying the site, the presence of roots within the zone of influence of the affected foundations, and the pattern of movement identified. On the balance of probabilities, the Oak is considered likely to be a significant contributing factor to the subsidence-related damage affecting the property.

8. During the site visit, observable evidence of structural movement was noted at the property, including numerous cracks and areas of apparent distortion to the building fabric. These onsite observations appear consistent with the claim that the property is experiencing subsidence-related damage.

9. Slinfold Parish Council has objected to the proposed removal, and the tree's contribution to the Conservation Area is fully acknowledged. The Parish Council's suggestion that crown reduction should be considered as an alternative has also been noted. However, the objection does not alter the weight that must be afforded to the technical evidence submitted in support of the notification.

10. Given the modern understanding of tree physiology and water use, pruning cannot be relied upon as a permanent means of controlling soil moisture extraction or mitigating subsidence risk. Any reduction in water demand is typically temporary, with regrowth often restoring transpiration rates over time. Consequently, where a tree has been demonstrated to be a causative factor in subsidence damage, felling remains the only arboricultural measure capable of permanently abating the nuisance.

11. While the Oak has sufficient amenity value to merit consideration for protection, the submitted technical evidence indicates, on the balance of probabilities, that it is a significant contributing factor to the structural damage affecting the property. Having regard to that evidence, it is considered unlikely that making a TPO would secure the sustainable long-term retention of the tree. Any subsequent application under a TPO would need to be determined on its own merits, but the evidence presently available would provide substantial grounds supporting removal.

12**.** The loss of this mature Oak and the consequent effect on the character and appearance of the Conservation Area are regrettable. However, having considered the trees significant amenity value, the Parish Council's objection and the submitted technical evidence, it is not considered expedient in the interests of amenity to make a Tree Preservation Order in response to the Section 211 notification, and no TPO is therefore recommended.

RECOMMENDATION:

No objection to notification. No Tree Preservation Order is recommended, and the notified works may proceed.

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

Date……20 Oct 26……