



**Horsham
District
Council**

Mr Joshua Cooper
Silver Birches
18 Winterpit Close
Mannings Heath
West Sussex
RH13 6JY

Application Number: DC/26/0885

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 x 1 (Believed to be Cedar)

Silver Birches 18 Winterpit Close Mannings Heath West Sussex

as shown on Plan and Application Number DC/26/0885 submitted to the Council on 01/06/2026. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

- 1 **Refuse consent** for the following reason:
The proposed removal of the protected Deodar Cedar is not justified for the reasons provided, as the tree makes an important contribution to the character and appearance of the area and its loss would harm local amenity.

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

Catherine Howe
Head of Strategic Planning

Date: 27/07/2026

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.

Please see Officer Report below.

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO: **DC/26/0885: Silver Birches 18 Winterpit Close, Mannings Heath.**

CONSTRAINT:

TPO 0644 Confirmed 25/05/89 (*Application refers to tree T12*)

RELEVANT PREVIOUS HISTORY:

N/40/87	Erection of 9 houses and 2 bungalows and garages	Application permitted
DCN/36/90	Surgery 2 x silver birches	Application permitted
DC/07/1146	Fell 1 x Silver Birch and 1 x Cedar	Application refused
DC/07/2225	Surgery 1 x Silver Birch and 1 x Cedar	Application permitted
DC/13/0624	Surgery to 1 x Cedar tree	Application permitted
DC/20/0888	Surgery to 1 x Cedar	Application permitted

REPRESENTATION AND CONSULTATION RESPONSES:

Nuthurst Parish Council has stated an objection to this proposal on the following grounds;

“Objection to the proposed felling. The tree now identified as *Cedrus deodara* (The Deodar Cedar), is a mature healthy specimen with amenity value.

None of the Council criteria for felling a tree with a TPO have been met.

The tree is not posing an immediate structural danger. Shedding needles is natural and is not a legal nuisance.

The tree shows no disease, or damage to the property and no structural engineering report has been submitted.”

1 x additional representation of support submitted by an adjacent property has been received in respect of this application. The reasons for supporting the application have been made on the following grounds:

“My husband I fully support this application. The tree in question is a nuisance for the current occupants as described in the application as it was for the previous occupants. It is an unattractive and dirty tree which we know causes our neighbours a real problem and their drive is constantly covered in the needles causing an unsafe environment for their young son. However, would it be possible to replace the tree with a Silver Birch in the same location to maintain the natural balance of the Close.”

1. SITE & SURROUNDINGS:

1.1. The tree the subject of this application is located at a residential property in Mannings Heath, a rural village located approximately 1 mile south-east of Horsham within Nuthurst Parish. The settlement has a distinct village character, defined by low-density development, mature vegetation and a strong connection to the surrounding countryside.

1.2. The application property is located at the northern end of Winterpit Close, a residential estate built in the late 80s. The dwelling occupies a prominent and visually exposed position adjacent to the turning area serving the Close. As a result of its siting, the property is highly visible from the approach along Winterpit Close and from the turning head itself, making it an important and readily identifiable element within the character and appearance of the local street scene.

1.3 The tree is situated in a prominent location within the front garden/parking area of the applicant's property, Silver Birches. Positioned close to the shared boundary with the neighbouring property, Hafod, 15 Winterpit Close, the tree is highly visible from the public realm and surrounding residential properties.

2. ASSESSMENT:

2.1. The tree in question is a mature *Cedrus deodara* (Deodar Cedar) with a well-developed crown. At the time of inspection, it was fully foliated and appeared to be in good over-all physiological condition. The tree has an attractive, compact form resulting from previous pruning works undertaken to maintain its size and shape in relation to its setting. There was no evidence of movement at the base of the tree, nor were any fungal fruiting bodies observed. Overall, the tree appears to be structurally stable and in good health.

2.2. The Cedar is a mature and prominent specimen occupying a highly visible position within the streetscape. The tree is an important standalone landscape feature and when considered alongside other mature trees in the vicinity, it contributes significantly to the verdant character of the area. Consequently, the tree is considered to be of high public visual amenity value and makes an important and meaningful contribution to the character and appearance of the area when viewed within the local landscape context.

2.3. The applicant seeks consent to fell the tree due to concerns regarding excessive needle fall and the impact this is considered to have on the area surrounding the tree. The applicant states that needles falling from the tree create ongoing maintenance requirements and present a potential safety concern where the area is used by their young child, as the accumulation of needles can result in a slippery surface, particularly during wet conditions.

2.4. Concerns have also been raised regarding the tree's close proximity to the driveway and the potential for future damage to the adjacent hardstanding arising from root growth.

2.5. The applicant has advised that they do not believe the issues and concerns associated with the tree can be adequately addressed through pruning works, as such works would not reduce the volume of needles falling onto the driveway nor prevent potential root encroachment given the tree's size and proximity.

2.6. The applicant has stated that they would be willing to plant a replacement tree should the application be approved.

2.7. Whilst these concerns are acknowledged, needle fall is a natural and predictable characteristic of the species and is not uncommon where such trees are located in close proximity to domestic properties. The circumstances described are considered to give rise to a routine management burden rather than an exceptional safety risk. Furthermore, it is accepted that when left in situ the fallen needles do have the capacity to affect the stability of users of the driveway, however, the level of risk described is not considered materially different from that associated with other naturally occurring vegetation within a residential environment.

2.8. It is accepted that retention of the tree requires a degree of maintenance to the surrounding area to ensure it remains usable for its intended purpose, at the same time, it is generally recognised that the removal of such debris within a residential setting forms part of the routine upkeep associated with property ownership. The concerns raised arise principally from the natural characteristics of the species and its location in relation to the driveway, rather than from any structural or physiological concerns or actionable arboricultural issue.

2.9. The applicant's concerns regarding the potential for future damage to the driveway arising from the tree's proximity are understood. Given the tree's location close to the edge of the hardstanding, it is reasonable for the applicant to be mindful of the possibility of root-related impacts developing over time. However, at present there is no evidence of existing damage to the driveway or other structures that could be directly attributed to the tree. During the site inspection, no evidence was observed of lifting, cracking, displacement or distortion of the hardstanding that could reasonably be attributed to root activity associated with the tree.

2.10. As such, concerns regarding future damage remain speculative and cannot be afforded significant weight in the assessment of the application. It is also acknowledged that pruning would be unlikely to materially influence root growth or address the concerns raised regarding needle fall. Nevertheless, in the absence of demonstrable damage or an actionable arboricultural issue, these concerns are not considered sufficient to outweigh the significant public amenity value provided by the tree or justify its removal. As the matters raised relate primarily to the natural characteristics of the tree rather than any defect, routine maintenance of the affected surfaces is considered a more proportionate response than the permanent loss of a tree that makes a significant contribution to public amenity.

2.11. An assessment of the tree's suitability for continued protection has been undertaken using the TEMPO method (Tree Evaluation Method for Preservation Orders), as developed by Forbes-Laird. The assessment produced a score of 18, indicating that the Tree Preservation Order is defensible. Furthermore, it is noted that even if the score allocated under Part 2 (Expediency Assessment) were reduced to the lowest possible score of 1, the overall score would still be 13, exceeding the threshold at which a TPO is considered to be defensible. A copy of the TEMPO assessment is found at Appendix A.

2.11. The applicant's willingness to plant a replacement tree, should the application be approved is acknowledge. Whilst replacement planting could be secured, any replacement tree would take many years to attain a size and presence comparable to the existing Cedar and would therefore be unable to adequately mitigate the immediate loss of public amenity arising from its removal.

2.12. Whilst it is accepted that the retention of the tree imposes a degree of routine management burden upon the applicant, the concerns raised arise principally from the natural characteristics of the species and its proximity to the driveway, rather than from any defect or actionable arboricultural issue. No evidence has been provided to demonstrate existing damage attributable to the tree, and concerns regarding future damage remain speculative.

2.13. Similarly, whilst the accumulation of fallen needles may necessitate periodic maintenance of the surrounding area, this is considered part of the routine management expected where mature trees are retained within residential settings and is not considered to amount to an exceptional safety concern. When balanced against the substantial public amenity value of the tree and its significant contribution to the character and appearance of the area, the reasons provided to support of the application are not considered sufficient to justify the trees removal. Accordingly, the proposed works would result in an unacceptable loss of public amenity, and consent is therefore refused.

RECOMMENDATION:

Refuse consent for the following reason: The proposed removal of the protected Deodar Cedar is not justified for the reasons provided, as the tree makes an important contribution to the character and appearance of the area and its loss would harm local amenity.

DELEGATED

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

Date.....27 Jul 26.....

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 27/07/26	Surveyor: Andrew Bush FDSC Lv 5 Arb, Arboricultural Officer (Strategic Planning)	
Tree details	Tree/Group No T12	Species: Deodar Cedar
TPO Ref - 0644	Location: Silver Birches 18 Winterpit Close Mannings Heath	
Owner - n/a		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes 3
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable	Score & Notes 2
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
* Includes trees which are an existing or near future nuisance, including those <u>clearly</u> outgrowing their context, or which are significantly negating the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes 4
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

5) Principal components of formal arboricultural features, or veteran trees	Score & Notes 4
4) Tree groups, or principal members of groups important for their cohesion	
3) Trees with identifiable historic, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional redeeming features (inc. those of indifferent form)	
-1) Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice	Score & Notes 5
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Score	Guide
Any 0	Do not apply TPO
1-6	TPO indefensible
7-11	Does not merit TPO
12-15	TPO defensible
16+	Definitely merits TPO

Add Scores for Total:
18

Decision:
Definitely merits TPO