



Horsham  
District  
Council

# PLANNING COMMITTEE REPORT

**TO:** Planning Committee North  
**BY:** Head of Development  
**DATE:** 7<sup>th</sup> July, 2020  
**SITE:** Roffey Cricket Club, Crawley Road, Horsham.  
**WARD:** Roffey North.  
**APPLICATION:** Tree Preservation Order No. 1528.

**REASON FOR INCLUSION ON AGENDA:** Objection to a tree preservation order.

**RECOMMENDATION:** To confirm Tree Preservation Order 1528 as served.

## 1. THE PURPOSE OF THIS REPORT

To consider whether Tree Preservation Order 1528 should be confirmed.

### DESCRIPTION OF THE ORDER

- 1.1 Provisional tree preservation order 1528, Roffey Cricket Club, Crawley Road, Horsham, was served on the 30th January 2020 on seven oak trees under the provisions of the **Town and Country Planning (Tree Preservation) (England) Regulations (2012)**. Under these Regulations, the trees benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

### DESCRIPTION OF THE SITE

- 1.3 The trees the subject of this report are sited along the eastern and northern boundaries of the cricket field to the north of Crawley Road, known as the Innes' Memorial Cricket Ground. Two of the specimens border Bostock Avenue, and four more border Nos. 1, 3, and 5 Coppice Road. The seventh, on the northern site boundary, abuts the boundary of 22 Greenfields Road.
- 1.4 The six trees along the eastern site boundary abut the County Council footpath running along Bostock Avenue and leading through, in a northerly direction, as a twitten leading to Greenfields Road.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on local planning authorities to make a TPO if it appears to them to be “*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*”.

## 3. OUTCOME OF CONSULTATIONS

### PUBLIC CONSULTATIONS

- 3.1 Two letters of representation in regard to the serving of the Order have been received.
- 3.2 A letter has been received attesting concerns at the size of the trees to the rear (west) of the property 1 Coppice Road. Particular regard is made to the branches that overhang the property, which it is alleged obstruct light, and additionally shed a great number of leaves during the autumnal leaf fall. The correspondent seeks clarification as to whether the protection of the trees might improve their level of maintenance, and, if so, would welcome the Order.
- 3.3 A second correspondence, from a resident at 3 Coppice Road, raises an objection to the protection of trees T3, T4, T5, and T6 of the Order. The cornerstone of the objection is the considerable lateral overhang from these trees across the property boundary, this presenting problems with:
- Squirrels jumping onto and into the roof of the residence;
  - Bird droppings from resident pigeons;
  - Blocked gutters from leaves and acorns;
  - Excessive moss on the roof of the dwelling-house;
  - Restriction on ability to profitably install solar panels;
  - Possibility of damage to underground sewerage systems from roots.
- 3.4 It is also attested that the trees are “*not pleasant to look at*”, being strangled by ivy, and that there is a large area on the cricket field available for planting new trees which would not adversely affect anyone.
- 3.5 It should be noted that no objection to the Order has been received from the trees’ owners (Roffey Cricket Club).

## 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

Article 8 (Right to respect of a Private and Family Life) of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the assessment below.

## 5. ASSESSMENT

- 5.1 The trees the subject of this report are semi-mature specimens of considerable size. They are sited along two old hedgerow lines, field boundaries prior to the development of the area, part of Greenfields Farm. Cricket has been played on the ground since 1901, and although the trees appear to be younger than that, they form

an excellent arboreal backdrop to the Arcadian setting of the cricket ground, and contribute strongly to the character and amenities of the area.

- 5.2 Though a matter necessarily subjective, it is not considered that a general view would be that these trees are "*not pleasant to look at*". Bordering the wide expanse of the cricket ground, and visible from the Council owned Roffey Recreation Ground, to the west, they are considered to have a high level of public amenity value. They are visible also from the residential areas to the east, in the areas of Bostock Avenue, Coneycroft, Maple Close, and Coppice Road, and also from Meadow Close, to the north. As well as the twitten running immediately below the trees, another public footpath, running along the northern perimeter of the cricket field, adjoins the twitten adjacent to tree T6 of the group, running under the canopy of T7.
- 5.3 All seven trees are in good health and condition, though some ivy is present which could do with being partly removed, to relieve stress on the trees but at the same time maintain lower coverage as a wildlife habitat. The trees contain the expected amount of deadwood within their crowns, which also would be best removed, particularly where this lies over the twitten and footpaths in the area.
- 5.4 The five trees in closest proximity to adjacent residential dwellings (trees T3 – T7, inclusive) also all have fairly wide crowns, with a considerable lateral overhang into the properties in question. It is on account of this, as well as their high merit in the landscape, that the trees should be protected, for under rights of Common Law an adjacent neighbour could potentially employ a contractor to remove all and any branches that were overhanging his boundary. Given the proximity of the trees to these property boundaries, this could result in extremely harsh and disfiguring lopping, which could damage the trees physiologically, and imbalance them, adversely affecting their appearance and visual merit.
- 5.5 At the same time, it is clear that the length of the laterals of the five trees in question is long, the general overhang causing the problems noted by the objectors. However, the confirmation of this Order does not prevent any person applying for consent to manage the trees in this regard, allowing the Council to carefully control the degree of lateral trimming seen as justified, making a difference to the lives of the objectors whilst ensuring that the trees are not left imbalanced and harmed, their aesthetic appearance undermined. The Council's Arboricultural Officer is happy to enter into a dialogue with the objectors and the owners of the trees (the Cricket Club) to seek a positive way forward here.
- 5.6 Although there are indeed underground services in the area (a public sewer runs along the twitten), no evidence has been advanced as to the trees causing any damage to these installations.
- 5.7 For the reasons set out above, it is recommended that this Order should be confirmed as served.

## 6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1528, Roffey Cricket Club, Crawley Road, Horsham, is confirmed as served.

Background Papers:  
Tree Preservation Order: 1528.

Contact Officer: **Will Jones**