



TO: Planning Committee North
BY: Head of Development
DATE: 05 September 2017
SITE: Hills Farm Allotment Gardens, Guildford Road, Horsham
WARD: Denne
APPLICATION: Tree Preservation Order No. 1500

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

RECOMMENDATION: To confirm Tree Preservation Order 1500 as served.

1. THE PURPOSE OF THIS REPORT

To consider whether Tree Preservation Order 1500 should be confirmed as served.

DESCRIPTION OF THE ORDER

- 1.1 Provisional Tree Preservation Order 1500, Hills Farm Allotment Gardens, Guildford Road, Horsham, was served on the 15th March 2017 on one sycamore and three lime trees under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under these Regulations, the trees included within the Order 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 four trees are sited within a strip of land to the immediate east of the south-east corner of the Hills Farm Cemetery and Allotments site, to the west of the properties 58 to 66 (evens) Hillside, Horsham.

PLANNING HISTORY

- 1.4 None.

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 Three letters of objection have been received in regard to the inclusion of T4, a lime tree, within the order, on the following grounds:
- That the tree is very tall, and may fall over. Should it do so, it is attested that it could land upon the closest dwelling-houses to it (in Wakehurst Mews, to the south).
 - That it casts a heavy shade (especially when in leaf) over the parcel of land immediately beneath it (recently disposed of in favour of 66 Hillside), compromising the growing of vegetables and other recreational uses.
 - That the tree has low amenity value, as it is "*tucked away in a corner totally away from any roadside*".
- 3.2 No comments or objections have been received in regard to the inclusion of trees T1, T2 or T3 within the order.

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 planning assessment below.

5. PLANNING ASSESSMENT

- 5.1 All of the four trees the subject of this order are large specimens in semi-maturity. It is considered that they all have the requisite level of public amenity value to justify formal protection by a tree preservation order.
- 5.2 Tree T4 is a large lime tree, and in terms of size, physical appearance, health, and amenity value is possibly the best of the four trees selected for protection. At around 24m in height, it is no taller than average for a semi-mature specimen of this species. An absence of management in recent years has left it heavily infested with ivy, but this is not as yet adversely affecting its health, and could readily be removed; it has already been severed at its base, and is dying off. The basal and rooting parts of the tree appear free of serious defect, and there are no reasons to suspect any compromise to its structural integrity. Overall, the tree appears to be in excellent health and condition.
- 5.3 It is acknowledged that all trees have the capacity for failure; however save for the presence of evidence suggesting some compromise to a specimen's structural integrity, such failure is rare and within accepted parameters of public safety. The closest dwelling-houses (to the south, in Wakehurst Mews) are approximately 22m from the tree and hence should the tree fail in this direction (less-than-likely given the direction of the prevailing winds) it is accepted that the high tips of the tree would foul these closest houses. However, no evidence has been found suggesting any defect or compromise to the tree's rootplate, its trunk, or its overall structural integrity.

- 5.4 It is accepted that the tree casts a heavy shade over the part of the strip of land transferred into the ownership of 66 Hillside, and that this could compromise the new owners' ability to successfully grow vegetables and pursue other leisure pursuits thereon. But it is considered that the tree is an important visual amenity feature, and has been present for many years on the plot prior to its transferral of ownership. No. 66 Hillside has a large area of garden, including areas out-of-range of the shading pattern of this tree. The suggestion that an application be submitted for the trimming of lower branches of the tree, to improve the degree of sunshine that might illuminate the plot under the canopy, has to-date not been taken up.
- 5.5 The attestation that this tree has low amenity value is considered to be inaccurate. The tree can be seen above the houses from Hillside, to the east; similarly from Wakehurst Mews and Hazelhurst Crescent, to the south and south-west; and from the north and east, bounding the public area of the allotments and the cemetery, it is prominent and visible from a considerable distance. The tree adds a definition to the south-east corner of the cemetery site, as well as a maturity consistent with the many other large old trees around the peripheries of this publically-accessible area.

6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1500, Hills Farm Allotment Gardens, Guildford Road, Horsham, is confirmed as served, to include the lime tree, T4.

Background Papers:

- Tree Preservation Order: 1500.