

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (TPO)

REF NO: AW/194/25/T

LOCATION: Land to the rear of 54 Pinehurst
Aldwick
PO21 3DX

PROPOSAL: 1 No. Western Balsam Poplar (T2) to fell.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located along the boundary line separating 54 Pinehurst Drive from the adjoining land to the rear.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/224/24/T	1 No. Poplar (T1) fell to ground level and replace.	ApproveConditionally 10-10-24
AW/350/22/T	Crown reduction of 2 No. Poplar trees to leave height 9m and spread 2m.	ApproveConditionally 14-02-23
AW/332/20/T	Reduce height and spread of 2 No. Poplar Trees (G9) to 9m high by 2 m spread.	ApproveConditionally 04-01-21

Planning history noted.

REPRESENTATIONS

Aldwick Parish Council- Objection on the grounds of insufficient information. They would be happy for it to be crowned, but not for its felling.

3 letters of representation have been received from local residents objecting on the following grounds:

- Loss of Wildlife habitat
- Removal could harm biodiversity, landscape character, and neighbouring residents
- Alternatives to felling include safety inspections, crown reduction, pollarding, and management plans as root damage risks are often overstated and modern techniques can mitigate potential issues.
- Poplars environmental and community value supports their retention under a TPO.

3 letters of representation have been received from local residents supporting on the following grounds:

- Concerns are raised about root suckers potentially damaging drains or causing structural issues
- The Association of British Insurers reportedly recommends a 35-meter distance between Lombardy Poplars and buildings due to structural insurance risks
- A nearby Poplar recently fell into an open field, increasing concern about this tree falling into a garden

4 letters have been submitted by the applicant in support of the application. The grounds for support are summarised as follows:

Supporting Statement 03-09-25:

- Safety risk
- Short lifespan of Lombardy poplars which the existing trees have exceeded
- Houses were built near pre-existing trees
- Requests to revoke the Tree Preservation Order due to unacceptable risk to life

Letter from Applicant 02-10-25- Rebuttal of objections

- The application seeks to protect the structural integrity of the applicant's property and neighbouring dwellings, and to prevent tree root ingress into drainage system
- Planning precedent supports felling trees in similar circumstances
- Refusal of claims that the application is made for convenience or to avoid clearing autumn leaves, stating these objections are factually incorrect
- No presence of nesting birds or squirrels in the tree, refuting claims of woodpecker activity
- Supporting material from bird control organisations is included to highlight potential disease risks from birds

Letter from Applicant 14-10-25- Response to Aldwick Parish Council's Objections

- References are made to three previous planning applications where permission to fell poplar trees was granted for non-horticultural reasons
- Questions the relevance of the tree's condition, stating the issue is with root proximity to dwellings and utilities.
- The applicant argues that felling the tree would improve the area and restore full use of the garden, enhancing value for money from council tax

Letter from Applicant 14-10-25- Rebuttal of objections from Stoud Green Drive

- The objector is not a resident of Pinehurst Park, and the applicant requests their objection be given less weight
- The objector's comments are based on personal opinion without supporting evidence or stated qualifications
- Pinehurst Park is a residential area, not a wildlife park or conservation zone.
- Tree fails all criteria for legal protection and supports revocation of the TPO.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER-The tree is a subject of TPO/P/1/78 (Group 9). From the south and at distance, it appears to be in a fine physiological state. It had previously been the subject of reduction pruning,

involving stem truncation at around 9m height (c.2014).

Consent was granted in 2023 for a repeat of that reduction pruning but has not been implemented and is now expired.

There is a proliferation of sucker growth across the applicant's property, and anecdotally in those neighbouring. Much of this would be a predictable response to the removal of T2's companion in the opposite corner of the garden; consent having been granted in 2024. A condition remains in place for a replacement tree to be planted nearby.

The control of sucker growth may be successful if a suitable herbicide is diligently applied, and in time reduce it to a tolerable level. Whilst understandably a concern for the tree owner and affected neighbours, it may not cause any significant harm or damage to property if a regime of chemical treatment is followed.

Conclusions:

I am sympathetic to the concerns of the applicant in respect of this tree's (and likely its previous companion's) influence on their property and neighbour's. This type of poplar is fast growing, and adept at suckering from roots, especially when disturbed or felled without prompt treatment of the residual stump and root system.

There is an effective method of control which is seemingly being applied and the option remains open to third parties to do the same. Whilst that remains, and in the absence of any proven structural defect or physiological impairment to qualify the tree's removal, I find on balance that the proposal is not justified on arboricultural grounds.

The tree is a notable feature in the local landscape and appears to be in adequately sound and healthy condition. Its removal would have a landscape impact and be unduly detrimental to the visual amenities of the locality.

Recommendation:

I recommend we refuse this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order".

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The tree is a significant feature in the local landscape and appears to be in a sound and healthy condition. No evidence has been submitted to the contrary. Its removal would incur undue detriment to the landscape and loss of amenity and the Tree Officer has confirmed that the proposed works have not been justified on arboricultural grounds. Therefore, following comments from the tree officer, it is recommended consent be refused.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

- 1 The tree is a significant feature in the local landscape and therefore in the absence of any arboricultural justification the loss of the tree would be detrimental to the visual amenities of

the locality, contrary to the NPPF.