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**To Whom It May Concern**

**Reference:**

Land at 201 Junction Road; response to a letter from Irene Fletcher dated 28 August 2025 concerning the above application

**Response to Objections Regarding 5 TPO Trees and Proposed Development**

Mrs Fletcher's comments and concerns have been carefully considered. However, for the reasons set out below, the objection is without legal or arboricultural merit.

**1. Historic TPO Area and Land Ownership**

The land to the rear of 203 Junction Road, to which Mrs Fletcher refers, does not fall within my ownership. I am only the legal owner of the portion of land subject to planning permission DM/16/5329 (2016), which regularised the site's use and condition. Any reference to alleged breaches outside of this red-line ownership boundary is factually misplaced and irrelevant to this application.

According to section 198(6)(a) of the Town and Country Planning Act 1990, where full planning permission has been lawfully granted, that permission supersedes TPO restrictions insofar as the approved development requires works to trees. Accordingly, the 2016 grant of permission lawfully overrides any earlier TPO protections within the approved boundary.

**2. Site Restoration (2013/2014)**

The area in question was restored under the attention of the Council's Tree Enforcement Officer.

At the time:

- The officer inspected the land;
- Guidance was provided regarding restoration works; and
- The officer offered no objection with the outcome.

No breaches were identified, no enforcement notice has ever been issued on this land in the 13 years I have owned it, and no enforcement action commenced. I acted openly, lawfully, and with the full knowledge of the Council. Any suggestion of a historic TPO breach is contrary to the contemporaneous record of events.



### 3. Enforcement Time Limits

Even if, contrary to fact, there had been a TPO breach in 2013/2014, enforcement would now be statute-barred under section 171B TCPA 1990:

- Four years for operational development; and
- Ten years for other breaches.

These limitation periods have long since expired. It is not open to the Council to resurrect time-barred matters in connection with the current application.

### 4. Legitimate Expectation

I have a legitimate expectation in public law that no enforcement would arise given:

- The Council's inspection and no objection of restoration works;
- The grant of planning permission in 2016, which regularised the land's condition; and
- The absence of any enforcement proceedings in over a decade.

To now raise allegations of possible historic breaches undermines established legal certainty and fairness.

### 5. Arboricultural Considerations

I enclose an independent Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan (Revision 3) prepared by Mr Elliott Foulkes (Dip Arb L4 ABC, TechArborA, SouthOaks Arboricultural Consultancy). This is the same report as previously submitted, with amendments specifically made to prove Mrs Fletcher incorrect.

#### **The report:**

- Confirms only one TPO replacement tree has failed, and its loss will be mitigated by replanting;
- Confirms less than 2% of the RPA of G5 is impacted, with mitigation secured by a cellular confinement system;
- Provides a full Tree Protection Plan with fencing, ground protection, and a method statement in accordance with BS5837:2012
- Addresses the future growth and canopy spread of the replacement trees (*Carpinus betulus* 'Frans Fontaine'), which are compact, suitable for smaller gardens, and will not be placed under pressure for removal or pruning;
- Demonstrates that, with adherence to the method statement, there will be no adverse impact to retained or replacement trees. Mrs Fletcher's assertion that the proposal fails to allow for meaningful replanting and contravenes Policy DP37 is therefore wholly rebutted by the professional evidence.



## 6. Conclusion

In summary:

- Alleged historic TPO breaches are legally and factually unfounded.
- I only own land lawfully developed with planning consent.
- Planning permission overrides TPO restrictions within the consented boundary.
- All statutory enforcement periods have expired.
- A legitimate expectation arises from the Council's past approval and the 2016 permission.
- Independent arboricultural evidence demonstrates full compliance with BS5837:2012 and Policy DP37.

Accordingly, there is no lawful basis for any objection even on historic grounds. I further confirm my willingness to accept appropriate planning conditions requiring compliance with the arboricultural method statement and a detailed landscaping and maintenance scheme, thereby securing the long-term amenity and ecological value of the site.



## Appendices

### Appendix 1 – Policy Compliance Checklist

#### DP37 (Trees, Woodland and Hedgerows):

- ✓ Retains higher quality trees where possible (Category A/B trees).
- ✓ Provides replacement planting for lost TPO tree.
- ✓ Secures long-term maintenance via landscaping plan.
- ✓ Demonstrates that shading and microclimate benefits are positive features.

#### BS5837:2012 (Trees in Relation to Design, Demolition and Construction):

- ✓ Root Protection Areas calculated and respected.
- ✓ Less than 2% RPA encroachment with specialist mitigation (cellular confinement).
- ✓ Tree protection fencing and ground protection in place.
- ✓ Arboricultural Method Statement included with monitoring regime.



## Appendix 2 – Timeline of Key Events

- **2013/2014:** Site restoration inspected and approved by Tree Enforcement Officer. No breaches identified.
- **2016:** Planning permission DM/16/5329 granted for 3 houses. Permission overrides TPO restrictions within boundary.
- **2021/2022:** Replacement tree planting applications (DM/21/3638 and DM/22/3360) accepted by Council.
- **2025:** Updated Arboricultural Impact Assessment and Method Statement submitted (Revision 3).



## Appendix 3 – Legal References

- **Town and Country Planning Act 1990, Section 198(6)(a):** Planning permission lawfully overrides TPO restrictions.
- **Town and Country Planning Act 1990, Section 171B:** Statutory time limits for enforcement (4 years/10 years).
- **Public Law Principle – Legitimate Expectation:** Council inspections and approvals create reliance and legal.