

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2404	Case Officer:	Irene Fletcher
Application Type:	Tree Surgery		
Proposal:	Oaks T2 and T3 - Fell.		
Site:	20 Barley Drive, Burgess Hill, West Sussex, RH15 9XG, , , ,		
Validation Date	23 Sep 2025	Overall Expiry Date:	14 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	30 Oct 2025
Target Date:	18 Nov 2025	Recommending Officer Signature:	Irene Fletcher

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	31 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2404

**20 Barley Drive, Burgess Hill, West Sussex, RH15 9XG, , ,
Oaks T2 and T3 - Fell.
Mr Trevor Knowles**

Permission is sought for the works as described.

The trees are located in the rear garden but have significant public amenity value. There are views from Barley Drive, Coulstock Road and Gatehouse Lane. The TPO, ref HP/02/TPO/94, protects these trees and many other trees within the estate, many of which are in private ownership.

Whilst no tree report has been submitted, the trees appear to be in good health.

A supporting statement has been recieved making the following points :

- trees are having an adverse impact on my life and home
- trees are of low amenity value
- TPO was made on properties in the Maltings Estate before it was built. It may have been the council's expectation that this would not have formed part of private property. These trees are enclosed in a private garden
- I have been required to keep part of my land dedicated to amenity for the general population
- cannot keep up with the work required in autumn
- I need to sell my property to downsize, I am a single elderly person since the death of my wife, with no children, the trees are preventing the sale of my property and my real need to move
- trees have grown closer to the house
- the trees cause leaf fall, debris, and the potential for root intrusion to my property, as well as potential damage to my garage roof
- the estate already has trees and hedges
- trees reduce light to rooms
- council may be in breach of HRA, preventing the enjoyment of my property

An email has been submitted on behalf of an estate agent advising that recent feedback suggests that the trees are a factor in a client not proceeding to purchase.

A representation of support has also been received, stating that the trees overwhelm the garden of no. 20 and my garage. Whilst they undoubtedly provide habitat for nature, the trees have outgrown the space in which they stand

With regard to the above points, it cannot be argued that the trees provide no amenity value and also to state that the trees provide amenity for the general population.

The trees were protected, among many others, when the estate was built. Many trees are in private ownership and most TPO trees are privately owned. Further, applications to reduce the trees, or carry out other works have been submitted, over the years, and have always been approved. Some of the above issues may be alleviated by appropriate works to the trees.

Considerably sympathy is felt for the applicant's personal circumstances, however, this does not justify the removal of these important, high amenity and high biodiversity value trees. The wider estate is characterised by trees, many of which are protected.

Some of the issues raised relate to normal, seasonal leaf fall. It should be noted that this is a mast year for acorns and this has been a burden for many people. However, these problems do not justify the felling of these important trees. With regard to future issues, there is no evidence that tree roots have/will

encroach and, again, appropriate pruning may alleviate some of these potential issues. This is also the case with loss of light.

Whilst there are other trees on the wider estate, it is likely at the time of making the Order, that the intention was to retain some mature trees on the land. Hedges may be removed at any time and many of the trees have been retained because they are protected.

It is not considered that the applicant's human rights have been breached. It was the applicant's choice to purchase a property with TPO trees in the garden.

It is extremely unfortunate that the applicant now finds himself in this situation in his later years, however, his circumstances do not justify the removal of these important TPO trees.

The applicant will be advised, by way of an informative, to contact the tree officer to discuss alternatives to felling.

Refusal is recommended.

Decision: Refusal

Case Officer: Irene Fletcher