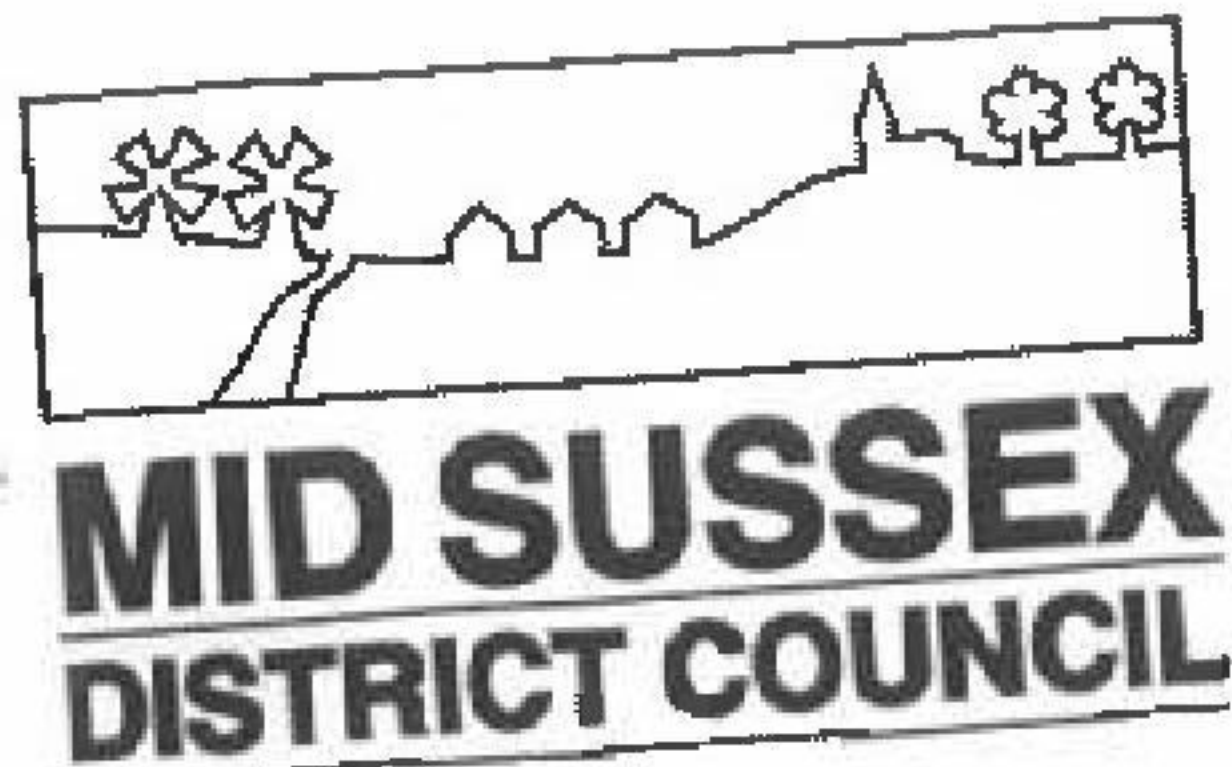
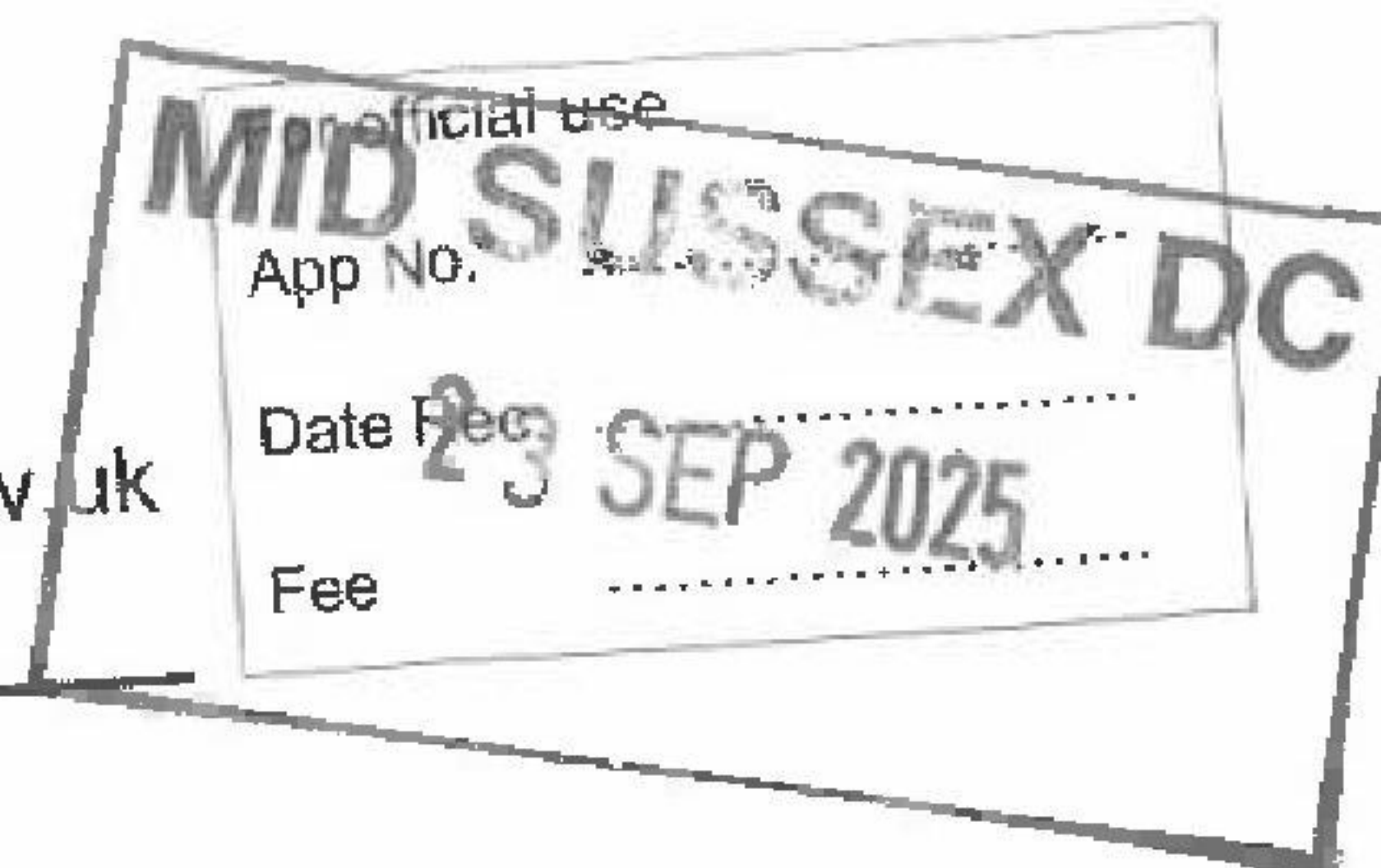




Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Switchboard: 01444 458166
Fax: 01444 477461
DX 300320 Haywards Heath 1
Email: planninginfo@midsussex.gov.uk
www.midsussex.gov.uk



Application for tree works: works to trees subject to a tree preservation order (TPO)
and/or notification of proposed works to trees in a conservation area.

Town and Country Planning Act 1990

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

You must use this form if you are applying for work to trees protected by a tree preservation order (TPO). (You may also use it to give notice of works to trees in a conservation area).

It is important that you read the accompanying guidance notes before filling in the form. Without the correct information, your application / notice cannot proceed.

1. Applicant Name and Address

Title:	MR	First name:	TREVOR
Last name:	KNOWLES		
Company (optional):			
Unit:		House number:	20
		House suffix:	
House name:			
Address 1:	BARLEY DRIVE		
Address 2:			
Address 3:			
Town:	BURGESS HILL		
County:	WEST SUSSEX		
Country:	ENGLAND		
Postcode:	RH15 9XG		

2. Agent Name and Address

Title:		First name:	
Last name:			
Company (optional):			
Unit:		House number:	
		House suffix:	
House name:			
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			

Trees Location

If trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

House number: House suffix:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

5. What Are You Applying For?

Are you seeking consent for works to tree(s) ☒ Yes ☐ No
subject to a TPO?

Are you wishing to carry out works to tree(s) ☐ Yes ☒ No
in a conservation area?

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.
E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

OAKS T2 & T3 FELL BECAUSE OF ADVERSE ~~IMPACT~~
IMPACT ON MY LIFE AND HOME AND LOW
AMENITY VALUE. CONTINUED ON SEPARATE
SHEET ATTACHED

4. Trees Ownership

Is the applicant the owner of the tree(s): ☒ Yes ☐ No
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

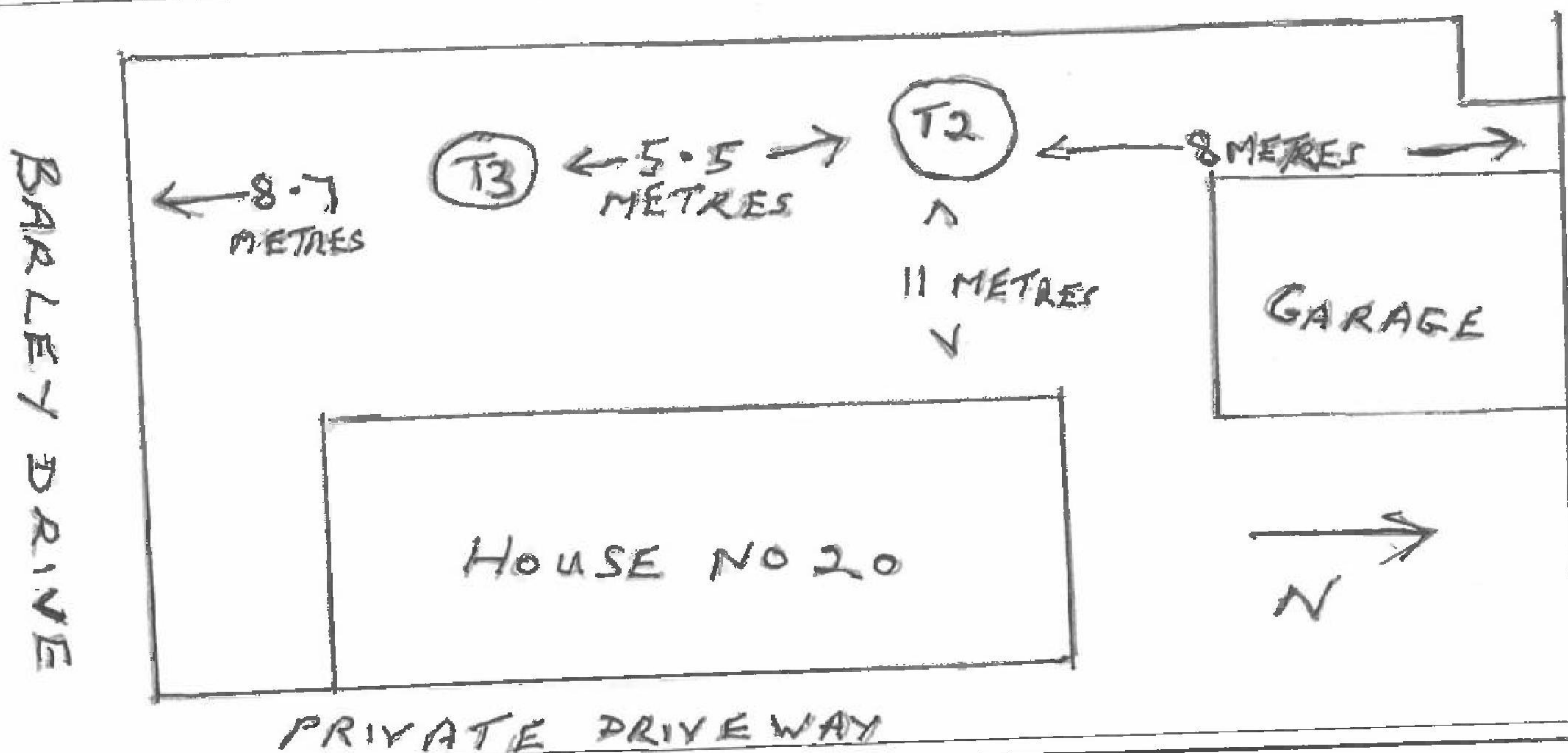
Country code: Fax number (optional):

Email address (optional):

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

HP 02/TPO/94



Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees
A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO
Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall: ☐ Yes ☒ No
If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives. ☐ Yes ☒ No
If YES, you are required to provide for:

Subsidence
A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)
Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)
Are you providing separate information (e.g. an additional schedule of work for Question 7)? ☐ Yes ☒ No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application.
If they are being provided separately from this form, please detail how they are being submitted.

Authority Employee / Member

In respect to the Authority, I am:

- a member of staff (c) related to a member of staff
an elected member (d) related to an elected member

Do any of these statements apply to you?

☐ Yes

☒ No

If yes, please provide details of the name, relationship and role

Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)

☒

For all trees

(see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out

☒

☒

For works to trees protected by a TPO

(see Question 7)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
 - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
 - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
 - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?

☒

☐

☐

☐

☒

11. Declaration - Trees

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

22/09/2025

(This date must not be before the date of sending or hand-delivery of the form)

12. Applicant Contact Details

Telephone numbers

Country code: National number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

Extension number:

13. Agent Contact Details

Telephone numbers

Country code: National number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

Extension number:

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner.
(Please see guidance notes)

7. Identification Of Tree(s) And Description Of Works continued...

REASONS FOR THE FELLING OF THE TREES

1. HISTORY OF THE TPO

1.1 When the TPO was made the properties on the Maltings Estate were not yet built. It may well have been the Council's expectation that all the trees covered by the order would have been on land not forming part of any of the private property gardens.

1.2 That, however, is not what resulted. Whilst all the other trees did indeed remain on a strip of land enclosed on either side by the fences of the back gardens of properties in Coulstock Road and Barley Drive, trees T2 and T3 were enclosed in the private garden of my home.

1.3 Effectively, therefore, [REDACTED] who purchased the house in 1996, have been required to keep part of our land dedicated to amenity for the benefit of the general population.

2. THE EFFECT OF THE TPO

2.1 [REDACTED] I have occupied the property since 1996. During that time the tree has been maintained entirely in accordance with the TPO. Now, being some 29 1/2 years older [REDACTED] my circumstances have changed so that the house no longer meets my needs.

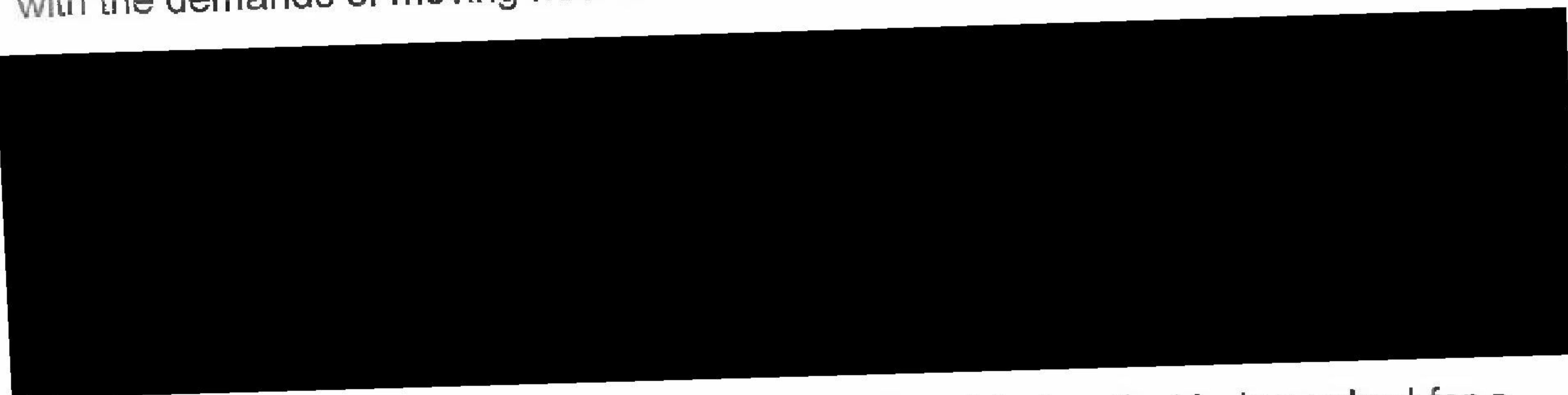
2.2 Whilst not being the only factor, the presence of the trees significantly contributes to that unsuitability, partly because of the amount of work they necessitate in the autumn and more immediately because of their impact on my ability to sell the property.

2.3 Number 20 Barley Drive Burgess Hill RH15 9XG is a five bedroom detached house with a large garden. That part of Burgess Hill is little served by public transport. There is one bus route a five minute walk away with an hourly service on only six days a week running into the town in one direction but out of Mid Sussex completely in the other. The two stations in the town are about a 45 minute walk away. Hills are involved in reaching any part of the town.

2.4 The bus route does not take me close to my doctor's surgery, where there is no parking for patients.

[REDACTED]

2.6 I concluded earlier this year that I should move to a smaller property, without a garden, closer to town-centre facilities and with reasonably frequent public transport available close by. Such a move needs to be made whilst I am still fit enough to cope with the demands of moving house.



2.9 Despite being marketed at a price some £20,000 below that being asked for a smaller, four bedroom house on the same estate, my house has proved impossible to sell. Prospective purchasers have commented favourably on both the condition and presentation of the house but, after viewing the garden, have stated their unwillingness to proceed to a sale because of the presence of the two, now very large, oak trees which are the subject of the TPO.

2.10 Effectively, the existence of the TPO is condemning me to remain in a house which is no longer suited to my needs.

2.11 Details of e-mails from my estate agent recording the views of prospective purchasers are appended.

3. THE EFFECT OF THE TREES ON THE HOUSE

3.1 In the thirty years since the making of the TPOs the trees have grown much closer to the house and now significantly overhang the garage.

3.2 Tree 2 now reaches within 1.9 metres of the upper floor at the rear of the house and tree 3 1.8 metres. This poses a potential risk of root intrusion into the foundations in the foreseeable future and an actual, current, impingement on light entering the three bedrooms at the back of the house, as well as, to a lesser extent, the kitchen and dining room on the rear ground floor.

3.3 Potential damage to the garage roof is a real possibility particularly when tree 2 is laden with acorns.

4. THE AMENITY VALUE OF THE TREES

4.1 Government guidance on the making of TPOs states that they should be "expedient in the interests of amenity".

4.2 The trees which are the subject of this application are in a private back garden in a close of five houses on a no-through road.

4.3 The estate is amply supplied with trees and hedges including two in my front garden. Moreover, since the making of the TPOs in 1995, the West Park Nature Reserve has been developed by the Town Council providing more than adequate green woodland for leisure walks.

4.4 The Reserve can be reached on foot from my home within three minutes and, in my view, negates the need for the oak trees in my garden to provide amenity for the benefit of others.

4.5 The trees do not represent an amenity for me; rather they prevent me from meeting my very real need to move to accommodation more suitable for [REDACTED]
[REDACTED]

5. IMPLICATIONS OF THE HUMAN RIGHTS ACT 1998

5.1 The Council is no doubt aware that, since the making of the TPOs, it has become subject to duties under S6 Human Rights Act 1998 (HRA).

5.2 One of the rights protected by the act is conferred by Article 8: respect for my home. That article lists circumstances under which a public authority may interfere with that right. Those circumstances do not include the provision of amenity for the benefit of others.

5.3 The act is specific in ruling that a public authority cannot act in a way which interferes with the right conferred by Article 8 unless one of the exceptions is met.

5.4 By using the term "home" rather than a term relating to a building, such as "residence", it is clearly the intention of the act that the obligations of public authorities must include respect for a right to choose where to make one's home.

5.5 Maintaining the TPOs would interfere with me selling my home and accordingly if the Council does not lift the orders it is my view that the Council will be in breach of the act.

5.6 Even if the Council were minded to challenge whether the HRA protects a right for me to move, the burden of maintenance of the garden because of leaf and acorn fall during the autumn is certainly a restriction of my right to enjoy my home without the imposition of work by a public body.

5.7 The TPO does not have to be lifted in respect of any of the other trees it covers as none of them are within the curtilage of a private residence and probably do not therefore fall within the scope of the HRA.

5.8 Separately from the issue of the TPOs preventing the sale of my house a question arises as to whether the Council now has the power to make, or continue to impose, a TPO on a domestic property when it has not been requested by the person whose home it is.

5.9 As stated above (paragraph 5.2) Article 8 of HRA lists circumstances in which the Council may interfere with the right to respect a citizen's home. Nothing in those permitted circumstances can be construed as permitting a requirement to allow the presence and/or maintenance of trees if they are not wanted by the resident. I do not want the two oak trees which are the subject of the Council's TPO in my garden, nor any other trees.

6 CONCLUSION

6.1 I believe the above case amply justifies lifting the TPO in respect of trees 2 and 3 and I implore the Council to reach a favourable decision as soon as possible so that I may get on with whatever lifespan remains for me.