The Planning Inspectorate

https://www.gov.uk/government/organisations/planning-inspectorate

For official use only
Date Received
Appeal Ref

TREE PRESERVATION ORDER (TPO) APPEAL FORM
The Town and Country Planning (Tree Preservation) (England) Regulations 2012 – SI No. 605, Regulation 19

Before completing this form please read "Guide for Appellants (Tree Preservation Orders – consents for works)"

WARNING **Your appeal must reach the Planning Inspectorate within 28 days from receipt of the decision against which you are appealing.**

Appeals received after the deadline will only be accepted in exceptional circumstances.

If you need this document in large print, on audio tape, in another language or in Braille, please call 0303 444 5570.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

Name Mr Brian Lawrence

Address 21 Greenoaks
Lancing

Postcode BN15 0HN

Daytime Tel [redacted]

Email
[redacted]

I prefer to be contacted by: Email

B. AGENT: If acting on behalf of the appellant, you will be our main contact on all matters relating to this appeal and we will direct all queries and correspondence to you. It will be your responsibility to keep the appellant informed.

Name

Organisation

Address

Postcode

Daytime Tel

Email

I prefer to be contacted by: Email Post

C. APPEAL SITE

Address where the appeal tree is (trees are) located:

21 Greenoaks, Lancing BN15 0HN

Do you own the site: Yes

If no

1) give details of your interest in the site (eg tenant, neighbour):

2) give the name and address (if different from the above) of the owner and/or occupier of the site. We will need to contact them to make arrangements for our Inspector to gain access to the site:

D. COUNCIL/DECISION

Council: Adur District Council

Council Contact Name: Gary Peck Telephone Number: 01903 221065

Full title of tree preservation order (if known): Adur Tree Preservation Order No.162/2/57(L)

Date of Council's decision (if applicable): 08/10/2021

E. APPEAL

Please tick only the relevant boxes.

I am appealing against:

The Council's refusal of consent

F. GROUNDS OF APPEAL

Public visibility is not a sufficient reason to warrant an order and the local character and the landscape of the area is a matter of personal opinion involving public visibility. The Ginkgo Biloba is the original planting and for many years was the only tree, the sycamore is a not so long-established arrival. There are other smaller trees on the road on their way to adding to the character of the area.

The other tree of the group of two is a mature Ginkgo Biloba, the crown of which is being severely compromised by the Sycamore. This is most noticeable in the winter and spring months when the development of the branches of the Ginkgo can be seen to be severely restricted. This I submit is an arboricultural reason for the removal of the Sycamore. With the removal of the sycamore the Ginkgo would be free to develop properly and then make its own contribution to the appearance of the area as a more perfectly formed specimen.

Because of the telegraph pole and raised drive of No.23 next door and the continuing inward leaning growth of the Sycamore is becoming more and more difficult to use the drive at 21. It is now only usable to smaller cars any others have to park on the bend of the road. To make the drive useful and avoid parking on the road the solution would be the removal of the sycamore or the telegraph pole.

F. GROUNDS OF APPEAL (cont)

Please continue at section K or on a separate sheet if necessary

G. PROCEDURE – (See Section 9 of the Guide for Appellants before making your choice)

Appeals dealt with by the Fast Track procedure are usually decided more quickly than those which proceed through a hearing or a more formal local inquiry and because of this we recommend the Fast Track procedure.

However, if you or the Council ask to be heard by the Inspector we will organise a hearing which will take the form of a round table discussion. In very exceptional cases, where complex legal matters are at issue, a substantial number of third parties are involved and/or formal cross examination is warranted, we may decide to hold an inquiry.

Please tick one box only.

I wish my appeal to be decided through the Fast Track procedure

H. SITE VISIT – Please note: no discussion about the merits of the case will take place during the site visit.

Are you willing for an Inspector to enter the site and conduct the visit unaccompanied?

Yes

If Yes, please give details below of anything the Inspector needs to know with regard to how to access the site:

Trees are adjacent to the road and easily visible from the road.

If No, please outline below why this is not possible, why you need to be there or why you need to be represented during the Inspector's visit:

Are there any Health and Safety concerns that the Inspector will need to be aware of prior to the site visit?

No

If Yes, please detail the concerns below:

I. SUPPORTING DOCUMENTS

In support of your appeal form please send a copy of your application for consent and a copy of the Council's decision (where one has been issued).

Please tick the boxes to show which documents you are enclosing and list any other documents you are submitting in the space below. If you cannot send a copy of the tree preservation order – we will ask the Council to send a copy together with the relevant background papers.

I enclose:

1. A copy of my application for consent 1

   If you do not have a copy of your application please state the council's application reference number here (it should be stated on your decision if one was made):

   _____

2. A copy of the Council's decision (if one was issued) 2

J. CONFIRMATION

DECLARATION

1. I understand that:

a) the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my appeal.
b) details from this form, including my name, the site description and reasons for making this appeal may appear on the Appeals Casework Portal.

By signing this form I am agreeing to the above use of the information I have provided.

2. I have completed all sections of the appeal form and confirm that the details are correct to the best of my knowledge.

3. I have sent a copy of this appeal form and enclosures to the Council.

Signature 

Date 28/10/2021

Name (in capitals) BRIAN LAWRENCE

On behalf of (if applicable)

For more information about how we process your personal information please see "A Guide for Appellants (Tree Preservation Orders- consents for works).

Please send the completed form and supporting documents to:

Trees and Hedges
Room 3A Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0303 444 5570
or e-mail it to: treeandhedgeappeals@planninginspectorate.gov.uk

What happens next:

1. You must send a copy of this completed form to the Council including copies of any supporting documents you send to us.
2. When we receive your appeal form we will check it against background documents supplied by the Council before telling you whether your appeal is valid.
3. At the end of the appeal process we will send you the Inspector's decision, including the reasoning in writing.

K. SUPPLEMENTARY SHEET

If you would rather make this application online, you can do so on our website:
https://www.planningportal.co.uk/apply

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

Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to the Local Planning Authority in accordance with the legislation detailed on this form.

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it. Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to the Local Planning Authority in agreement with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Planning Authority to inform you of its obligations in regards to the processing of your application. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

Local Planning Authority details:

Planning Services, Adur & Worthing Councils

Portland House,
44 Richmond Road,
Worthing,
West Sussex,
BN11 1HS

Tel : 01903 221065
websites : www.adur.gov.uk or www.worthing.gov.uk
e-mail : planning@adur-worthing.gov.uk

Publication of applications on planning authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website.

Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

If printed, please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes and help text as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	MR
First name:	BRIAN
Last name:	LAWRENCE
Company (optional):	
Unit:	
House number:	21
House suffix:	
House name:	LLAMEDOS
Address 1:	GREENOAKS
Address 2:	
Address 3:	
Town:	LANCING
County:	WEST SUSSEX.
Country:	
Postcode:	BN15 0HN

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:	

Version 2018.1

3. Trees Location

If all 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)

Unit: | House number: | House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (if 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:

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):

5. What Are You Applying For?

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

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

6. Tree Preservation Order Details

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

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.

SYCAMORE (T1). FELL - BECAUSE OF RESTRICTED ACCESS TO THE DRIVE AND INTERFERING WITH THE GROWTH OF GINKGO BILOBA (T2).

Version 2018.1

With regards to the Sycamore tree (T1) adjacent to the footpath and next to the drive/entrance to No 21 Greenoaks.

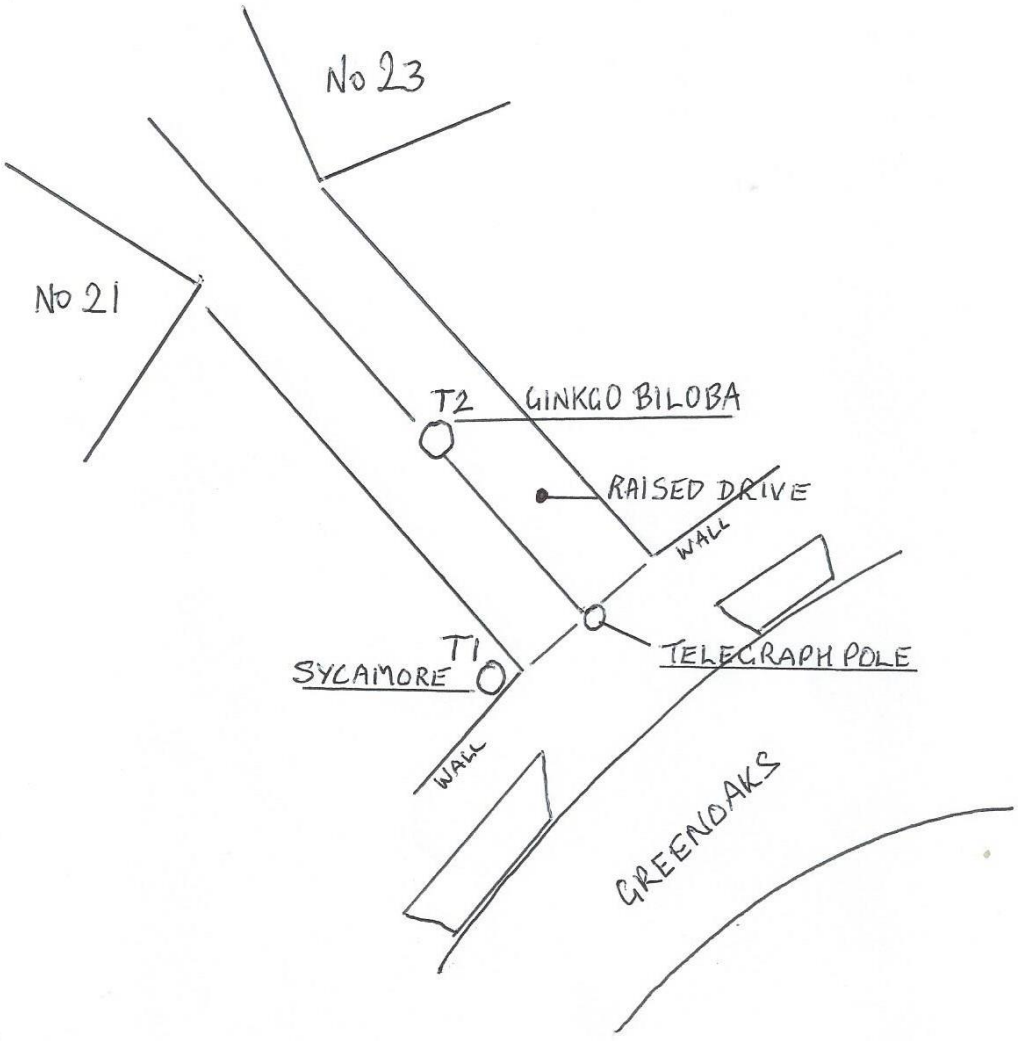
I am unsure about the status of this tree as I have not been able to find it on any TPO registry.

The tree is restricting the drive as there is a telegraph pole between no.21 and 23. It being impossible to enter the drive at a slight angle due to the raised drive at no.23. The tree is also interfering with the growth of the crown of the (Ginkgo biloba T2) growing between the two drives.

The telephone wires for several of the adjacent properties also pass through the crown of the Sycamore tree, (T1) "Open Reach" have had to replace some wires. Root growth has lifted several of the flags of the public footpath, causing a trip hazard.

I wish to remove the tree completely and am happy to sponsor/pay for more trees in the conservation area or Lancing Manor as is deemed fit.

This will enable me to repair the drive and front wall enabling easier access for vehicles, enable the Ginkgo biloba to flourish, local phone/internet lines remain un-interrupted and landscaping of the front garden to commence.



June 2020

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

8. 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.

9. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "relating to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or agent? ☐ Yes ☐ No

With respect to the authority, I am:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them.

10. 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: [redacted]

Or signed - Agent:

Date (DD/MM/YYYY): 30/08/2021 (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: | Extension number:

Country code: | Mobile number (optional):

Country code: | Fax number (optional):

Email address (optional):

13. Agent Contact Details

Telephone numbers

Country code: | National number: | Extension number:

Country code: | Mobile number (optional):

Country code: | Fax number (optional):

Email address (optional):

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)

Version 2018.1

ADUR DISTRICT COUNCIL

Mr Brian Lawrence
21 Greenoaks
Lancing
West Sussex
BN15 0HN

REFUSAL UNDER TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990
The Town and Country Planning (Tree Preservation) (England) Regulations 2012

APPLICATION NUMBER: AWDM/1636/21

Details of Development
APPLICATION FOR CONSENT UNDER ADUR TREE PRESERVATION ORDER NO.162/2/57(L) TO FELL ONE SYCAMORE WITHIN GROUP G2

Location of Development
21 GREENOAKS LANCING WEST SUSSEX BN15 0HN

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they REFUSE to consent to the above works, in accordance with the application and relevant correspondence registered on 1st September 2021.

The reasons for the Council's decision to refuse the above works are specified hereunder.

G Peck

Gary Peck
Planning Services Manager
08/10/2021

Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

AWDM/1636/21

SCHEDULE

Reasons for Refusal

01. The two trees of group G1 are a prominent and established feature, which contribute positively to the local character and landscape of the area, and the removal of the Sycamore tree from the group would be detrimental to these qualities. Having regard to the maturity, stature and prominence within the street scene of the tree, there is no arboricultural or other acceptable reason provided which would justify its loss.

02. For the avoidance of doubt this refusal relates to the following drawings/plans:-
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Reference/Drawing Number	Version	Date Rec
SKETCH PLAN		01.09.2021

TOWN AND COUNTRY PLANNING ACT 1990
The Town and Country Planning (Tree Preservation) (England) Regulations 2012

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Planning Inspectorate.

2. A notice under this section shall be served in writing within twenty-eight days from the date of notification of the decision, certificate or direction, as the case may be, or such longer period as the Planning Inspectorate may allow. Appeals can be made online at:

   https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

3. Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Planning Inspectorate, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it has been made to him in the first instance.

4. Before determining an appeal under this section, the Planning Inspectorate shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Planning Inspectorate for the purpose.

5. The decision of the Planning Inspectorate on any appeal under this section shall be final.

6. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

7. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.