Planning Inspectorate

Appeal Decision

Site visit made on 31 July 2026

by G Harding MSc (Forestry), MicFor, MArborA

an Inspector appointed by the Secretary of State

Decision date: 22 September 2026

Appeal Ref: APP/TPO/M3835/11221
26 St Michaels Road, Heene, Worthing, West Sussex, BN11 4RY

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order (TPO).
- The appeal is made by Mr Nicolas Cleanthi against the decision of Worthing Borough Council.
- The application Ref: AWDM/0066/26, dated 19 Feb 2026, was refused by notice dated 20 April 2026.
- The work proposed is the removal of the Corsican Pine Tree (Pinus nigra var).
- The relevant TPO is Tree Preservation Order, No. 8 of 2005 – 26 St Michaels Road; and Land on south side of St Michaels Road (adjacent to Heene Cemetery), Worthing, which was confirmed on 14 April 2005.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: the effect of the felling of the tree on the character and appearance of the area; and whether sufficient justification has been demonstrated for the proposed felling.

Reasons

3. Turning to the first main issue, the tree is a large and mature specimen which grows within the front garden of the appeal property and which is visible from St Michaels Road as well as Manor Road to the east. The tree makes a positive contribution to the landscape of the area and to its character and appearance.

4. Given the importance of the tree in the landscape, the proposed felling would be of significant detriment to the character and appearance of the area. Thus, any reasons given to justify the felling of the tree need to be convincing. It is to those reasons, the second main issue, to which I now turn.

5. The tree has a visible lean to the north, towards the appeal property. This lean is likely to be due to the presence of other mature trees to the south, with the appeal tree growing away from these and toward the light. Despite this lean, the

tree has a well-balanced crown. Such a lean is not unusual and does not alone signify that the tree is unstable; no compelling evidence has been supplied to support any notion that the tree presents an abnormal risk of failure or that that the angle of this lean is changing. Furthermore, I could not see any signs of significant root-plate or soil lifting near the base of the tree.

6. The tree is clearly a contributing factor to the damage occurring to the nearby wall as there is cracking at the part of the wall nearest to the base of the tree. The extent to which the tree is culpable for the damage is unclear and there are likely to be several factors involved. The damage is however fairly minor and there are no signs of the wall bulging or leaning. I accept that the tree is likely exacerbating the situation and its presence would make any repair work more difficult and the tree may reduce the durability and longevity of any such repair.

7. However, I consider that, some extent of wall repair would be possible with the tree in situ and that the removal of the tree would be a disproportionate action when other options are available. Trees in urban areas are often in conflict with built structures, but tree removal should be a last resort, especially when the tree could live for several more decades and acknowledging the value of such trees in urban landscapes.

8. The garden of the appeal property sits at a higher level than the nearby highway. Whilst minor damage to the pavement is visible, I am not convinced, given this level differential, that this is due to the tree. In any event, the pavement is passable and the responsibility for any repairs would fall to the local authority.

9. There are some dead branches in the tree. However, these could be removed without any requirement for consent from the Council. Reference is made to damage to a car and telephone wire but the full details of these incidences have not been made available and as such have not carried significant weight in my deliberations.

10. The appellant also references another nearby property where a similar tree has been consented for removal; however, I do not have the full details of this case to allow me to consider it in further detail. In any event, each case is to be determined on its own merits.

11. I recognise the willingness of the appellant to replace the tree with a new one. However, any replacement tree would take many years to reach the same stature and to reinstate a similar level of visual amenity. As such, replacement planting would not be sufficient to mitigate the harm I have identified.

12. With any application to carry out works to protected trees, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the felling of the tree would result in significant harm to the character and appearance of the area and, in my judgement, insufficient justification has been demonstrated for its proposed felling.

13. Accordingly, for the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Glen Harding

INSPECTOR