



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 5000.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

Name Niki Peters

Address 2 Hall Avenue, Worthing West Sussex

Postcode BN14 9BH

Daytime Tel

Email

I prefer to be contacted by: Email ☒ Post

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 n/a

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: 2 Hall Avenue, Worthing, West Sussex BN14 9BH

Do you own the site: Yes ☒ No

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: Worthing

Council Contact Name: Gary Peck/Jeremy Sargeant Telephone Number: Tel: 01903 221065

Full title of tree preservation order (if known): APPLICATION FOR CONSENT UNDER WORTHING TREE PRESERVATION ORDER NO.21 OF 2021 TO FELL AND REPLACE ONE SYCAMORE TREE T2.

Date of Council's decision (if applicable): Rejected 23/4/26

E. APPEAL

Please tick only the relevant boxes.

I am appealing against:

The Council's refusal of consent ☒

The Council's failure to issue a decision (deemed refusal of consent)

Condition(s) attached to the consent

The Council's refusal to agree a matter that required their agreement under the terms of a condition of consent.

F. GROUNDS OF APPEAL

Please provide at least one reason for each of the boxes you have ticked in section E. You must explain fully why you disagree with the council's decision, where one has been issued. To do this, you need to go through the reasons for the decision, and explain why you disagree. Only the reasons within the council's decision and the reasons put forward by you at application stage should be included on your appeal form. You should not introduce any new reasons for the appeal.

Your appeal should relate to the same works as those specified in your application to the council. Exceptionally we may be able to accept your appeal even if you are seeking a variation to the works originally applied for. We will only be able to do so if the changes do not materially alter the nature of the application and, if no one who should have been consulted about the proposed works would be prejudiced by our doing so. For instance, you may have originally applied for consent to crown thin a tree by reducing the percentage of leaf area by 20%, whereas on appeal you may seek a lesser reduction of 10%. However if on appeal you appear to be seeking more works than originally applied for, it is recommended that you submit a new application to the council rather than seek to amend your original application at appeal stage because the Inspector will not consider any works above those which were put forward in your application form.

Similar limitations apply in respect of the reasons you give for seeking consent, especially under the fast-track procedure where the council has no opportunity to respond to your grounds of appeal. The Inspector will only consider the matters that were before your council when the decision on your application was made. This means that if the reason you submitted on your application form was that the tree was causing overshadowing, you should not, on appeal make a claim that tree roots are causing subsidence. If you want to make a different case for the work applied for you should make a fresh application to the council.

We will also look at the original application to check that it clearly specifies the proposed work. If we decide that the works you have applied for are so vague that we cannot be sure how much work is involved, we may decide that the appeal is invalid and reject it. For example it is not sufficient to specify that you want to remove some of the lower branches, or you wish to reduce the tree by 15%. This is too vague and fails to indicate the extent of the works.

If you choose the recommended Fast Track appeal procedure (see section G) the reasons you set out below will be treated as your statement of case. It is important that you set them out in full because you will not get an opportunity to add to them later.

The decision on your appeal will take into account the contribution that the tree(s) make to the character and appearance of the area and the reasons set in support of your application/appeal. Please bear in mind that the Planning Inspectorate has no jurisdiction to resolve allegations of maladministration or complaints about the time taken by the Council to issue a decision, since such matters are not relevant to the merits of the proposal.

If you are appealing to fell a tree or against a condition requiring replacement planting please indicate the species and size of any tree(s) you would be prepared to plant if the appeal were to be allowed:

Number of trees and Species: 1 Sycamore tree

Size: The tree is consistent with a medium to large sycamore (*Acer pseudoplatanus*), with an estimated height of approximately 11–13m and a trunk diameter of circa 300–400 mm.

F. GROUNDS OF APPEAL (cont)

Appeal Statement

Application Reference: AWDM/0247/26

Site Address: 2 Hall Avenue, Offington, Worthing, BN14 9BH

Proposal: Consent under Tree Preservation Order No.21 of 2021 to fell and replace one sycamore tree

1. Introduction

I am appealing the decision dated 23 April 2026 by Worthing Borough Council to refuse consent to fell and replace the sycamore tree subject to Tree Preservation Order No.21 of 2021.

The appeal is made on the basis that the refusal places disproportionate weight on visual amenity, while giving insufficient consideration to documented public safety risks, practical site constraints, and the reasonable mitigation proposed through replacement planting.

2. Summary of Decision

The Council refused consent on the basis that the tree is a prominent and established feature contributing positively to the street scene, and that no acceptable justification had been provided for its loss, with alternative works potentially available to retain it.

While the tree's amenity value is acknowledged, this assessment does not adequately reflect the physical condition of the boundary wall, the cause of its failure, or the limitations of retaining the tree in this location

3. Public Safety and the Boundary Wall

The sycamore tree is located immediately behind a low boundary wall running directly alongside the public footway on Offington Avenue. As shown, the wall is visibly leaning towards the pavement along a section frequently used by pedestrians.

Further photographic evidence demonstrates:

- Structural cracking and displacement of masonry within the wall, and
- Clear signs of ongoing movement and degradation, including vegetation emerging through displaced joints).

These conditions indicate structural failure rather than cosmetic deterioration and present an ongoing risk to public safety given the wall's proximity to the highway.

4. Highways Involvement and Recognised Risk

The condition of the wall has been formally raised with West Sussex County Council Highways, who issued correspondence regarding a dangerous, leaning boundary wall (Highways reference 3837343).

As demonstrated in Photos, the wall and fence line show cumulative distortion along the highway boundary, reinforcing that this is not an isolated defect but a broader structural issue adjacent to a public route.

This correspondence confirms that the matter is recognised as a public safety concern rather than a private or purely aesthetic issue.

5. Causation and Practical Constraints

The wall's failure is directly attributable to the tree's root system and trunk, which sit immediately behind and beneath it. As discussed with Highways:

- It is not practicable to permanently repair or rebuild the wall while the tree remains in situ, and
- Any repairs undertaken without addressing the root cause would be temporary and likely to fail again as root pressure continues.

The refusal suggests that "other works could be considered that retain the tree", however no realistic alternative has been identified that would:

- remove the underlying cause of the wall's movement,
- avoid repeated intervention, or
- satisfactorily address the ongoing safety risk demonstrated in the attached photographs.

6. Proactive Conduct and Planning Constraint

This issue was raised proactively, not reactively:

- A planning application to fell and replace the tree was submitted on 24 February 2026,
- Public safety concerns relating to the wall's condition were explicitly referenced within the application, and
- The matter was already under consideration prior to Highways' correspondence.

I have consistently indicated my willingness to remove the tree and immediately reconstruct the wall, subject only to planning consent being granted. The current inability to permanently address a recognised highway safety issue therefore arises from the refusal decision itself, rather than from inaction on my part.

Continued on sheet K

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 ☒

I wish to appear and be heard by an Inspector

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	X	No
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If Yes, please give details below of anything the Inspector needs to know with regard to how to access the site:

All visible from Offington Avenue

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:

n/a

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

Yes	No	X
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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): X

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

Name (in capitals)

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:

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

7. Reasonableness of Felling with Replacement

The application does not seek the loss of tree cover without mitigation. Replacement planting was explicitly proposed to ensure:

- continued long term amenity value,
- a tree more appropriate to the constrained roadside location, and
- reduced future risk to public infrastructure and pedestrians.

In contrast, retaining the existing tree requires ongoing intervention while perpetuating the safety risks evidenced in Photos 1–4.

8. Balance of Amenity and Safety

While the visual contribution of the tree is recognised, Tree Preservation Orders should not prevent reasonable and necessary works, particularly where public safety is demonstrably affected.

In this case, insufficient weight has been given to:

- the condition of the boundary wall,
- the acknowledged role of the tree in its failure, and
- the impossibility of permanent remediation while the tree remains.

9. Conclusion

For the reasons set out above, I respectfully request that the Planning Inspectorate allows this appeal and grants consent for the felling of the sycamore tree, subject to a condition requiring appropriate replacement planting.

This would represent a balanced, proportionate, and responsible outcome that protects public safety while maintaining longer term amenity value.