

Planning Committee

Date: Wednesday 18th February 2026

Time: 10.00 am

Venue: Council Chamber - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Tim Ball, Paul Crossley, Fiona Gourley, Ian Halsall, Hal MacFie,
Toby Simon, Shaun Hughes, Dr Eleanor Jackson, John Leach and Tim Warren CBE

Permanent Substitutes:- Councillors: David Biddleston, Sarah Evans, Duncan Hounsell,
Ruth Malloy and Ann Morgan

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Corrina Haskins

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a specific scheme for the public to make representations at Planning Committee meetings.

Advance notice is required by the close of business (5.00pm) two days before a committee. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Planning Committee- Wednesday 18th February 2026

at 10.00 am in the Council Chamber - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer will draw attention to the emergency evacuation procedure.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,
(as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. ITEMS FROM THE PUBLIC

To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to Democratic Services will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e., 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 10)

To confirm the minutes of the meeting held on Wednesday 21 January 2026 as a correct record for signing by the Chair.

7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 11 - 48)

1. 25/04124/FUL - 26 Wedgwood Road, Whiteway, Bath,
Bath And North East Somerset, BA2 1NX

2. 25/04650/FUL - 16 Alderley Road, Southdown, Bath,
Bath And North East Somerset, BA2 1LB
3. 25/04242/FUL - The Coach House, Midford Road, Midford, Bath, Bath And
North East Somerset

8. TREE PRESERVATION ORDER 2025 - AMENITY LAND AT IVY AVENUE,
SOUTHDOWN, BATH NO.334 (Pages 49 - 96)

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF
FORTHCOMING HEARINGS/INQUIRIES (Pages 97 - 100)

The Committee is asked to note the report.

10. QUARTERLY PERFORMANCE REPORT - 1 OCT - 31 DEC 2025 (Pages 101 - 110)

The Committee is asked to note the report.

The Democratic Services Officer for this meeting is Corrina Haskins who can be contacted on 01225 394357.

PLANNING COMMITTEE**Minutes of the Meeting held**

Wednesday 21st January 2026, 10.00 am

Councillors: Tim Ball (Chair), Paul Crossley (Vice-Chair), Fiona Gourley, Hal MacFie, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Ruth Malloy and Tim Warren CBE

80 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

81 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Ian Halsall, Cllr John Leach and Cllr Toby Simon.

There were the following substitutions:

Cllr Ruth Malloy for Cllr Toby Simon

Cllr Duncan Hounsell for Cllr John Leach

82 DECLARATIONS OF INTEREST

Cllr Hounsell declared an interest in that he may be considered predetermined in relation to item 1 - 25/03496/FUL – 22 Tynning Road, Saltford and stood down from the Committee to speak as ward councillor and then withdrew from the meeting and took no further part in the debate or vote.

Cllr Jackson declared a disclosable personal interest in item 3 - 25/04547/TCA - 4 Meadow View, Radstock and withdraw from the meeting during consideration of the application.

In relation to item 2 - 25/02637/FUL - Barn, Bailbrook Lane, Lower Swainswick, Bath, Cllr Crossley stated that he was the Council's representative on the Cotswold Area of Outstanding Beauty Board and as the Board had not made a determination on the application plus considering the councillor code of conduct test for this interest, he held an open mind to the planning arguments and would be participating in the debate and vote.

83 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

84 ITEMS FROM THE PUBLIC

The Democratic Services Officer informed the meeting of the process for public

speakers to address the Committee.

85 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED that the minutes of the meetings of 17 December 2025 be confirmed as a correct record for signing by the Chair.

86 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

1. A report and update report by the Head of Planning on the applications under the main applications list.
2. Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the main applications decisions list attached as Appendix 2 to these minutes.

1. 25/03496/FUL - 22 Tynning Road, Saltford, Bath and North East Somerset

The Planning Case Officer introduced the report which considered an application for the demolition of an existing bungalow and the construction of 5 new bungalows including a new access road off Tynning Road.

She confirmed the officers' recommendation that officers be delegated to permit the application subject to:

1. A Section 106 Agreement to cover a financial contribution for:
 - a. replacement tree planting for 12 replacement trees
 - b. a monitoring fees contribution of £468 per obligation
2. The conditions set out in the report with an amendment to condition 15 to include "(Hillside Trees January 2026)" after "Tree Protection Plan".

The following public representations were received:

1. A local resident, objecting to the application.
2. John Blake, architect, supporting the application.

Cllr Duncan Hounsell stood down from the Committee to speak as ward councillor and raised the following points:

1. Although he welcomed the late change to reduce 2 of the proposed bungalows from 4-bed to 2-bed, he objected to the application as he considered it to constitute over-development of the site due to loss of amenity to neighbouring residents and lack of amenity to future residents of the site.
2. The density of the development was also out of keeping with the character of the area.
3. The size of bathroom/toilet was too small for older people with accessibility requirements.
4. Garden space was negligible.
5. The proposed access road was on the wrong side of the plot.

6. Biodiversity Net Gain (BNG) was only achievable off-site, and it could have been achieved on-site with a lower density development.
7. Similar backland developments in Saltford had been successful due to lower density.
8. He was aware of tilted balance arguments but considered the application to be contrary to policies.

At this point, Cllr Hounsell withdrew from the meeting and took no further part in the debate and vote in relation to the application.

Cllr Chris Warren was in attendance as ward councillor and read a statement summarised as below:

1. He objected to the application.
2. He recognised the contribution of backland developments but did not consider this application to be appropriate.
3. The proposed 5 properties constituted over-development of the site.
4. He was concerned the development would add to on-street parking.
5. He was also concerned about the loss of wildlife habitat.

In response to Members' questions, it was confirmed:

1. In determining whether an application constituted over-development, there needed to be consideration of any harms e.g. if there was an adverse impact on residential amenity or on the character of the area.
2. There was no specific policy requirement for a minimum outdoor space/garden. Policy D6 referred to sufficient amenity space and officers were of the view that this application was policy compliant.
3. The development was denser than others in the surrounding area, but a balance needed to be made between Policy D2 "Local Character and Distinctiveness" and the National Planning Policy Framework requirements for the efficient use of land in meeting the needs for homes.
4. In relation to BNG, offsite delivery was permissible. Less dwellings on site would have enabled more onsite provision but this needed to be balanced with other considerations such as the lack of a 5-year land supply.
5. The access road would not be adopted as the Highways Authority did not adopt roads of this scale. Comments had been raised that moving the access road would have less impact on residents, but the current location was a design choice that was considered acceptable by officers.
6. There was no Neighbourhood Plan for Saltford.
7. In terms of sewer drainage, the drainage team was satisfied with the arrangements and there would be a drainage condition attached to the planning permission.

Cllr Hughes opened the debate and stated that although the site was in a sustainable location and there was a need for bungalows, he was concerned about over-development and the impact on the character of the area and the loss of amenity for existing residents and lack of amenity for future residents. He also expressed concern that BNG could not be met on-site and that there would be a loss of green space as a result of the development. He moved that the application be refused and this was seconded by Cllr MacFie.

The Team Manager – Development Management clarified that the application was policy compliant in relation to BNG and therefore this was not a valid reason for

refusal, but the loss of green space could be included in the reason relating to harm to amenity.

Cllr Gourley agreed that there was a need for more bungalows but shared concerns about the lack of amenity space.

Cllr Crossley spoke in support of the motion as he considered the application to constitute over-development which caused harm to the character to the village and a lack of amenity to residents.

Cllrs Warren and Jackson also spoke in support of the motion.

On voting for the motion, it was CARRIED (8 in favour and 0 against).

RESOLVED that the application be refused for the following reasons

1. Impact to character - the development constituted over-development with a lack of green and amenity space and would cause harm to the character and appearance of the area.
2. Harm to residential amenity - the development would have an overbearing impact on neighbouring properties resulting in a lack of privacy and there was a lack of amenity and green space for future occupiers.

Cllr Hounsell returned to the meeting.

2. 25/02637/FUL - Barn, Bailbrook Lane, Lower Swainswick, Bath, Bath and North East Somerset

The Planning Case Officer introduced the report which considered an application for the change of use and conversion of a barn into a single dwelling house

He confirmed the officers' recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Cllr Peter Lewis, Batheaston Parish Council objecting to the application.
2. Angela Toms, on behalf of local residents objecting to the application.
3. Chris Dance, agent, supporting the application.

Cllr Joanna Wright was in attendance as an adjacent ward councillor and read a statement summarised as below:

1. The application site was located in an important position within the Green Belt, the Cotswold National Landscape and World Heritage Site setting.
2. Although the site was in an adjacent ward, the proposed development would impact on residents in Lambridge ward.
3. There was a history on the site including enforcement issues and damage to mature trees.
4. The development would result in a detrimental impact on residential amenity and if the application was permitted, there should be a condition to remove the first-floor window to prevent overlooking.
5. Neighbouring residents were concerned about the dwelling being used for short term lets.
6. There were also concerns about the impact on the public right of way.

7. Lighting would impact on dark skies.
8. This was an inappropriate development in the Green Belt, and the Committee was urged to refuse the application.

In response to Members' questions, it was confirmed:

1. The history of the site was relevant in terms of what permissions had been granted, but any enforcement issues were not relevant to this application, and a decision should be made on the application on its merits.
2. The barn was built in 2016 under permitted development rights, the agricultural use had since changed as there was a new owner.
3. The site was outside the housing development boundary.
4. The access was considered to be suitable for the proposed use. If the Committee considered that the track should be upgraded, this could be confirmed by a condition.
5. In terms of development in the Green Belt, there was an exception in NPPF which stated that a change of use was acceptable providing the development did not cause substantial harm.
6. It was accepted that the access to the site was likely to be by private car, but the site was close to the edge of an urban area and not considered to be in a remote isolated location. The nearest bus stop was on London Road West.
7. The dwelling could be converted to an HMO or holiday let without planning permission (as long as class C3 or C4), as it was outside the area of Bath covered by the Article 4 direction.
8. The nearest property was 55m from the development and officers did not think there was significant harm in terms of overlooking or residential amenity.
9. There would be 3 parking spaces which was consistent with parking standards.
10. Any further applications for barns on the site would need to prove agricultural use.

Cllr Warren opened the debate and stated that as this was a conversion of a redundant agricultural building rather than a new building, it would be difficult to find a reason to refuse the application. He moved the officers' recommendation to permit the development. This was seconded by Cllr Hounsell who stressed the need to apply current policies.

Cllr Jackson spoke against the motion, as she did not consider the current use to be redundant and was concerned that the development was not accessible without a car.

Cllr Hughes expressed concerns about the application in the context of its setting.

As mover of the motion, Cllr Warren confirmed that he did not think any additional conditions should be included.

On voting for the motion, it was CARRIED (5 in favour and 4 against).

RESOLVED that the application be permitted subject to the conditions set out in the report.

Cllr Tim Warren left the meeting at this point.

Cllr Jackson declared an interest in the following item and withdrew from the

meeting.

3. 25/04547/TCA - 4 Meadow View, Radstock, Bath and North East Somerset

The Planning Case Officer introduced the report which considered a notification for tree works in a conservation area.

He confirmed the officers' recommendation that no objection be raised.

There were no public speakers.

Cllr Crossley moved the officers' recommendation. This was seconded by Cllr Gourley.

On voting for the motion, it was CARRIED (7 in favour and 0 against).

RESOLVED that no objection be raised to the notification for tree works.

Cllr Jackson returned to the meeting.

4. 25/04609/TCA - Audley House, Park Gardens, Lower Weston, Bath, Bath and North East Somerset

The Planning Case Officer introduced the report which considered a notification for tree works in a conservation area

He confirmed the officers' recommendation that no objection be raised.

There were no public speakers.

Cllr Jackson moved the officer recommendation. This was seconded by Cllr Gourley

On voting for the motion, it was CARRIED (8 in favour and 0 against).

RESOLVED that no objection be raised to the notification for tree works.

87 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

The Committee considered the appeals report.

RESOLVED that the report be noted.

The meeting ended at 12.12 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	18th February 2026
RESPONSIBLE OFFICER:	Louise Morris - Head of Planning & Building Control
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	25/04124/FUL 18 December 2025	Kbr Developments Ltd 26 Wedgwood Road, Whiteway, Bath, Bath And North East Somerset, BA2 1NX Change of use from single dwelling (C3) to 7 bedroom hmo.	Twerton	Angus Harris	PERMIT
02	25/04650/FUL 28 January 2026	Kandoo Property Ltd 16 Alderley Road, Southdown, Bath, Bath And North East Somerset, BA2 1LB Change of use from dwellinghouse (C3) to small house in multiple occupation (C4) including partial conversion of existing garage.	Southdown	Nadin Qutaina	PERMIT
03	25/04242/FUL 6 January 2026	Mr P Roper The Coach House , Midford Road, Midford, Bath, Bath And North East Somerset Demolition of existing two-storey dwelling, and replacement with a contemporary two-storey self-build dwelling.	Bathavon South	Ed Allsop	Delegate to PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 25/04124/FUL
Site Location: 26 Wedgwood Road Whiteway Bath Bath And North East Somerset
BA2 1NX



Ward: Twerton **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Tim Ball Councillor Sarah Moore
Application Type: Full Application
Proposal: Change of use from single dwelling (C3) to 7 bedroom hmo.
Constraints: Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, SSSI - Impact Risk Zones,
Applicant: Kbr Developments Ltd
Expiry Date: 18th December 2025
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT

The application refers to the residential property 26 Wedgwood Road, Whiteway, BA2 1NX.

Planning permission is sought for the Change of use from single dwelling (C3) to 7 bedroom hmo.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Councillor Sarah Moore:

I would like to object to this application for an HMO. I believe this does not pass the concentration test as we already have HMOs at numbers 3, 18, 20, 28, 32, 33, 34, 35 and 36 Wedgwood, which I believe would all fall within the 100 m radius. If the planning officer is minded to approve this application, I would request it is referred to the planning committee.

Representations Received :

7no objections have been received, summarised into the following:

- There is a large number of HMOs in this local area,
- This results in the loss of a family home, whilst Councils and Government are saying there are already not enough,
- Turing this into a 7-bedroom HMO is a massive overdevelopment of the site,
- The communal area is tiny for 7 adults to live there,
- The existing parking situation is appalling and the proposal will add further to this problem,
- People parking directly on corners making it dangerous.
- Putting restrictions on HMO car usage does not work,
- We havent got the infrastructure to support more and the school is in danger of closeing as the family's are being pushed out,

1no support has been received:

I live next to this property and received this planning application. It's been empty for some time now. Outside is overgrown so I am glad it's coming back into use. The house next door is also students and i've never had a problem with them so not entirely sure what the issue is. Always say hello. Polite and chatty. Never an issue I'm just glad the home is going back into use.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan

and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

CORE STRATEGY:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

B1: Bath Spatial Strategy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D5: Building design

D6: Amenity

HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

H2: Houses in multiple occupation

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

The Houses in Multiple Occupation in Bath Supplementary Planning Document (January 2022)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The application is seeking to convert a residential dwelling to a 7-bedroom HMO (Sui Generis). The property is located within an area subject to an Article 4 Direction restricting the conversion of residential properties into HMOs. The main planning considerations in respect of an application of this nature are as follows:

- the principle of the proposed change of use from a dwelling house to an HMO.
- the impact on the character and appearance of the Bath world heritage site,
- impact to residential amenity
- internal standards
- impact on parking and highways

Principle of the proposed change of use from a dwelling house to an HMO.

Policy H2 of the Placemaking Plan provides the following criteria to be considered when determining an application for change of use to an HMO;

- i) Where there is high concentration of existing HMO's, further changes of use to HMO use will not be supported as they will be contrary to supporting a balanced community.
- ii) The HMO use is incompatible with the character and amenity of established adjacent uses.
- iii) The HMO use significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion.

- iv) The HMO use creates a severe transport impact.
- v) The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type.
- vi) The development prejudices the continued commercial use of ground/lower floors.

The SPD includes the following criteria which advises change of use will not be permitted where:

Criterion 1: It would result in any residential property (C3 use) being 'sandwiched' between two HMOs; or

Criterion 2: Test: HMO properties represent more than 10% of households within a 100-metre radius of the application property.

Following a GIS search, the conversion of this property into an HMO would not result in 'sandwiching' between other HMO certified properties and therefore complies with Criterion 1.

Looking at Criterion 2, the change of use of the property to an HMO does not represent more than 10% of households. Several comments have been received which highlight the number of existing HMOs within this street. The density calculation is taken within a 100m radius and is not an exclusive calculation of the street.

In this instance based on Council data at the time of this application, the conversion of this property would result in 12 of 122 residential properties within a 100 metre radius of the site being HMOs, equating to 9.8%.

Policy CP10 supports housing mix in line with national policy, where a mix of housing types and households are encouraged in the interest of community cohesion. This is supported by HMO policy H2 and the SPD, which aim to direct new HMO development to areas of lower concentration.

Internal alterations to the building will not require planning permission however all HMOs need to be licensed.

Policy H2 of the Local Plan Partial Update also outlines the following criteria, where a new HMO is required to achieve an Energy Performance Certificate (EPC) of rating 'C'. The applicant has submitted the EPC for the property, demonstrating compliance with this criteria.

DESIGN, CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The conversion of the property involved some limited alterations to the exterior of the dwelling, which includes the replacement of doors and windows at the ground and first floor levels.

As such, the proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Policy H2 requires that HMOs provide a good standard of accommodation for occupiers. The HMO Supplementary Planning Document (SPD) details the minimum space standards required for bedrooms and shared facilities. The proposed use of the property as a HMO would involve the use of 5 bedrooms, all of which (shown on the proposed floor plans) would meet the minimum space standards required for a C4 HMO.

The objection comments raise that the dwelling is not suitable to support 7no bedrooms, providing insufficient communal and amenity spaces for the future occupiers. The B&NES HMO SPD sets out minimum requirements for bedrooms sizes and internal communal spaces based on bedrooms numbers.

A 7-bed property must provide a minimum of 22 sqm of total communal living spaces, of which 9.5sqm is kitchen space. Single bedrooms must have a minimum Gross Internal Floor Area (GIA) of 6.51 sqm, and double bedrooms or twin bedrooms must have a minimum GIA of at least 10.22 sqm.

The proposed plans show 26 sqm of communal space provided which appears capable of providing the required kitchen space within. The drawings do not distinguish between single and double bedrooms, but all bedrooms measure larger than the 6.51sqm minimum.

As such, the proposal is found to be compliant with the HMO SPD and Policy H2 of the Local Plan in this regard.

It is appreciated that C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements.

The comings and goings of the occupiers of an HMO are likely to be less regimented and may occur at earlier and later times in the day than a C3 family home. Such a change of use can therefore result in increased comings and goings, noise and other disturbance compared to a C3 use. Notwithstanding this, individually HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect. As set out above, such a concentration is not found to exist in this location.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The objection comments highlight that the local area already experiences difficulties with parking and some instances of cars parking dangerously. The application site does not benefit from off-street parking so there is no option for providing new driveway or garage parking.

The B&NES Transport and Development Supplementary Planning Document (SPD) sets out the minimum and maximum standards for vehicle and bicycle parking. For vehicles, there is no minimum requirement so the applications lack of new off-street parking is not contrary with Policy ST7 of the Local Plan or the SPD.

The application is within Zone B (Outer Bath) and for a 4-bed dwelling or larger, a minimum of 4no bicycle parking spaces are required.

Updated plans showing the bicycle and refuse storage have been provided. The rear garden currently has no side or rear access and can only be access through the dwelling. To utilise the bicycle storage, it is acknowledged that these will need to be brought through the dwelling. Whilst this would be less favourable than an accessible bicycle storage at the front of the property, the front gardens are open communal spaces so this would not be an option.

The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

It is not considered that the proposal would prejudice individuals with protected characteristics.

SCHEME OF DELEGATION:

Following receipt of an objection and call -in request by the local ward Councillor which is contrary with the Officer recommendation, this application has been referred to the Chair of the Planning Committee, who has commented as follows:

Thank you for your report on the HMO application for 26 Wedgwood Road. Given the substantial size of the property and its close proximity to the 10% threshold for HMOs permitted under current policy, I believe it is crucial for this application to be considered by the committee. Councillor Moore has expressed concerns that this threshold may have already been exceeded, and it is essential that we investigate this matter thoroughly at the committee level.

I appreciate your attention to this and look forward to addressing it further.

As such, this application will be brought forward to the Planning Committee.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list.

Reason: To define the terms and extent of the permission.

3 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until the bicycle storage has been provided in accordance with the details which have been approved by the Local Planning Authority. The storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Local Plan.

PLANS LIST:

1 This decision relates to the following plans:

Drawing	23 Oct 2025		BLOCK PLAN
Drawing	23 Oct 2025		BLOCK PLAN PROPOSED
Drawing	29 Oct 2025	A-01	EXISTING GROUND FLOOR PLAN
Drawing	29 Oct 2025	A-02	EXISTING FIRST FLOOR PLAN
Drawing	29 Oct 2025	A-03	PROPOSED GROUND FLOOR
Drawing	29 Oct 2025	A-04	PROPOSED 1ST FLOOR PLAN
Revised Drawing	29 Jan 2026		BIN AND BICYCLE STORAGE
Revised Drawing	29 Jan 2026		ELEVATIONS AS EXISTING AND PROPOSED
OS Extract	23 Oct 2025		SITE LOCATION PLAN

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

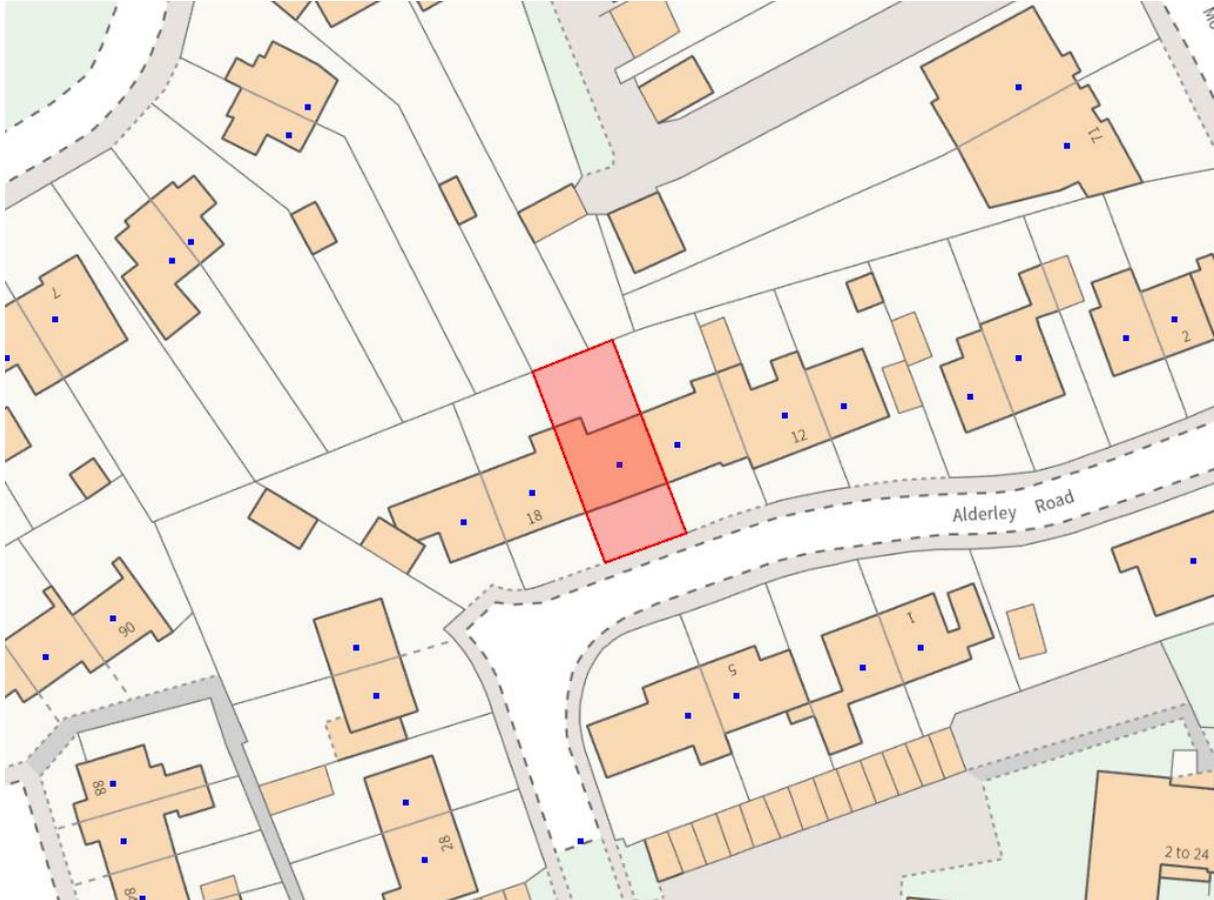
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No: 02
Application No: 25/04650/FUL
Site Location: 16 Alderley Road Southdown Bath Bath And North East Somerset
BA2 1LB



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Crossley Councillor Dine Romero

Application Type: Full Application

Proposal: Change of use from dwellinghouse (C3) to small house in multiple occupation (C4) including partial conversion of existing garage.

Constraints: Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, SSSI - Impact Risk Zones,

Applicant: Kandoo Property Ltd

Expiry Date: 28th January 2026

Case Officer: Nadin Qutaina

To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor Dine Romero has requested that this application be referred to the committee should permission be recommended, her comments are provided in the representations section below. In accordance with the scheme of delegation, the application was referred to the chair of the planning committee who decided that the application should be determined by the planning committee.

SITE DESCRIPTION

The application refers to a mid-terrace, two-storey dwelling located in Sothdown, Bath. The site falls within the World Heritage Site but not within a Conservation Area.

Planning permission is sought for the change of use from a 5-bedroom dwellinghouse (C3) to small house in multiple occupation (C4) of 6 bedrooms (6 tenants) including partial conversion of existing garage.

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Representations Responses :

Two objections received:

- 'Live next door to property and intend to sell so do not want this to impede my sale. There has been a number of issue with the drainage on this property affecting mine with Wessex water. Have had sewage from garden into mine. With HMO this will cause problems unless addressed.

Parking an issue on street - there is off street but not enough spaces with hmo property.'

- 'Too many family homes in this part of Bath have already been lost to become HMOs.'

One support comment was received.

Councillor Dine Romero has requested that this application be referred to the committee should permission be recommended. The reason for the call-in relates to the principle of changing a much-needed family home into an HMO and the potential impact this may have on the local community. In addition to the loss of the garage to form the additional bedroom, and the pressure this will have on the narrow cul-de-sac from additional cars.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)

- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

CORE STRATEGY:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

B4: The World Heritage Site and its setting

CP6: Environmental quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced several new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District wide spatial strategy

D5: Building design

H2: Houses in multiple occupation

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant in the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021) is also relevant in the determination of this planning application.

The Houses in Multiple Occupation in Bath Supplementary Planning Document (January 2022) is also relevant in the determination of this planning application.

Planning Obligations Supplementary Planning Document (January 2023) is also relevant in the determination of this planning application.

Transport and Development Supplementary Planning Document (January 2023)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of Change of Use
- Design, Character And Appearance
- World Heritage Site
- Residential Amenity
- Highways Safety And Parking

PRINCIPLE OF CHANGE OF USE:

Policy H2 of the Local Plan Partial Updates concerns 'Houses in Multiple Occupation' (HMOs). It states that proposals for changes of use to HMOs will be refused if:

- i. The site is within an area with a high concentration of existing HMOs (having regard to the Houses in Multiple Occupation Supplementary Planning Document, or successor document) as they will be contrary to supporting a balanced community;

The Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) expands on LPPU Policy H2. This has 2 criteria. If the proposal fails either it is deemed to be contrary to this guidance and by default Policy H2 and will be refused planning permission.

Criterion 1:

This criterion concerns the sandwiching of residential properties between HMOs and aims to prevent the potential for negative impacts upon existing dwellings through this. It also aims to ensure that there is balance at street level. If the proposal would result in the sandwiching of a single dwelling house (C3 use class) between two HMOs it is considered to fail this criterion.

Council records show that no sandwiching would occur as a result of the proposed change of use. The proposal therefore complies with this criterion.

Criterion 2:

This specifies that proposals will be unacceptable where HMO properties represent 10% or more of households within a 100 metre radius of application property, or the application property tips the concentration to 10% or more.

In this instance, data held by the Council indicates that there is a total of 118 residential properties within a 100m radius of the site. At present it is understood that 6 of these properties is an HMO which amounts to 5.1%. The change of use of 16 Alderley Road would bring this number to 7 which would be a concentration of 5.9%. The proposal therefore complies with this criterion.

ii. The HMO is incompatible with the character and amenity of established adjacent uses;

The adjacent uses are mostly residential, and so the HMO residential use would be compatible. Policy CP10 supports a housing mix in line with national policy, where a mix of housing types and households are encouraged in the interest of community cohesion. This is supported by HMO Policy H2 of the LPPU and the SPD, which aims to direct new HMO development to areas of lower concentration. Therefore, the proposal meets this criterion.

iii. The HMO significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion;

The proposal is considered to comply with this criterion. This is further expanded on in the Residential Amenity section of this report.

iv. The HMO creates a severe transport impact;

The proposal is considered to comply with this criterion. This is further expanded on in the Highways Safety and Parking section of this report.

v. The HMO does not provide a good standard of accommodation for occupiers;

The HMO SPD provides standards for living accommodation. The applicant intends to use the property as a six-bedroom HMO, with all rooms being single occupancy. Single occupant bedrooms must have a minimum gross internal floor area (GIA) of 6.51sqm. The smallest bedroom in the proposal has a GIA of 6.7sqm. Communal living space of at least 20sqm should be provided. The proposal contains 32.4sqm of communal living space and there is also a generous garden area. Kitchen space of at least 9sqm should be provided and the proposal contains 19.4sqm kitchen/dining open space. The proposal is considered to comply with this criterion.

vi. The HMO property does not achieve an Energy Performance Certificate "C" rating (subject to exemptions);

The property currently has an energy rating of 67 (Band D). It is proposed that improvement works will be carried out during RIBA Work Stage 05 (Construction) to upgrade the EPC rating from a high 'D' to 'C', which is considered achievable. Upon completion of the works, an as-built specification will be submitted and a new EPC produced. This requirement will be secured by condition.

vii. The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;

The proposal would result in a 5.9% of HMOs within a 100m radius. As such, the HMO would not result in an unacceptable loss of accommodation in this respect.

viii. The development prejudices the continued commercial use of ground/lower floors.

The proposed HMO does not impact commercial uses as the existing use is residential only.

Overall, the proposal is considered to comply with policy H2 of the Local Plan Partial Update, and the Houses in Multiple Occupation Supplementary Planning Document.

DESIGN, CHARACTER AND APPEARANCE

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The proposal includes converting the existing garage into a new bedroom, along with a new shower room and a store. This involves replacing the garage door on the front elevation with a new window that is proportionate to the existing openings.

Similar applications were approved in 2018 at No. 18 on the same road (ref: 18/03125/FUL) for the change of use from a 4 bed dwellinghouse to a 6 bed house in multiple occupation (HMO) incorporating the conversion of the existing garage into a study.

There would be no impact on the design, character, or appearance of the property or the surrounding area. The use of the property as a House in Multiple Occupation (HMO) would not, in itself, result in any visual harm. The proposal is therefore considered to preserve the character and appearance of the area in accordance with relevant local and national planning policies.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy and policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

WORLD HERITAGE SITE:

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites.

In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the Core Strategy and Policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The proposed change of use to a six-bedroom HMO is considered acceptable in terms of residential amenity. The internal layout provides adequate space for each occupant, with all bedrooms being single occupancy and access to shared facilities including kitchen, dining area, garden and living areas. The property retains sufficient outlook and natural light for all habitable rooms.

The conversion of the garage to a bedroom and the addition of a shower room will not result in any significant loss of amenity for neighbouring properties. There is no evidence of harm through overlooking, loss of privacy, or overbearing impact. Furthermore, the proposal does not introduce any external alterations that would adversely affect the character of the area or the streetscape.

The proposal is therefore considered to maintain an acceptable level of amenity for both existing and future occupants, as well as neighbouring properties.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The site has an existing on-site parking space for one vehicle, but there is hardstanding at the front of the property that provides two further spaces. Whilst these are not long

enough currently to accommodate vehicles without them extending over the footway, it is proposed to demolish an existing planter at the front of the property to extend the length of this parking area which brings the total number of off-street spaces 3. In addition, the proposal includes a store for four bicycles and two outdoor cycle stands. According to B&NES Transport and Development Supplementary Planning Document, the parking standard for C4 Houses in Multiple Occupation (HMOs) in Zone B is 1.5 spaces per three-bedroom dwelling or larger, which is rounded down to 1, that makes the space provided enough for the proposal.

As part of the evidence base informing the recently adopted Transport & Development Supplementary Planning Document (SPD), which includes parking standards, the Highway Authority conducted a comprehensive review of the potential parking impacts associated with Houses in Multiple Occupation (HMOs). The findings indicated: "The results from the surveys suggest an average of 4.5 bedrooms per HMO, with an average of 0.9 cars per HMO. This compares to a range of car ownership across B&NES, from 0.61 cars per household in Bath City Centre to 1.65 in more rural areas. These findings support a 2007 study by the Department for Communities and Local Government (now the Ministry of Housing, Communities & Local Government), which concluded that HMOs do not result in a net increase in parking demand compared to a family home." This evidence suggests that HMO proposals do not typically lead to a significant increase in car parking demand. In this case, it is considered that a planning refusal based on potential parking impact would not be sustainable.

The proposal includes appropriate and sufficient onsite bicycle parking for the number of bedrooms proposed (4 spaces per four-bed dwelling or greater) which will be secured by a compliance condition. There is sufficient space for waste and recycling storage within the curtilage of the property.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The property benefits from three off-street parking space and provision for secure cycle storage, including a store for four bicycles and two outdoor cycle stands. The site is located within an accessible area of Bath with good public transport links, and the adopted parking standards do not require additional off-street spaces for a small HMO of this scale. Therefore, the proposal is considered acceptable in terms of parking provision, sustainable transport options.

The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document, and part 9 of the NPPF.

PUBLIC SECTOR EQUALITIES DUTY:

The Public Sector Equalities Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposal does not raise any particular concern in respect of those people with protected characteristics.

OTHER MATTERS:

Concerns raised by third parties regarding the potential impact on the sale of a neighbouring property are not a material planning consideration and cannot be taken into account in the determination of this application. Issues relating to drainage and previous problems with Wessex Water fall under separate legislation and are managed by the relevant statutory undertaker. The proposed change of use does not inherently increase the risk of drainage failure, and any future issues would need to be addressed through Wessex Water and Building Regulations rather than the planning process.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 EPC Certificate (Pre-occupation)

Prior to the first occupation of the House in Multiple Occupation hereby approved, an Energy Performance Certificate showing that the property has an EPC rating of C, B or A shall be submitted to the local planning authority and approved in writing.

Reason: To ensure the property has a EPC Rating of C, B or A in accordance with the Bath and North East Somerset Houses in Multiple Occupation Supplementary Planning Document, and Policies H2 and CP1 of the Local Plan Partial Update.

3 The garage as shown in drawing 'EXISTING AND PROPOSED ELEVATIONS AND SITE PLAN REV C' received 1st April 2025 shall be retained for secure bicycle storage for at least 4 bicycles. If a replacement structure is required, details of a suitable equivalent shall be submitted for approval to the planning authority prior to installation and the approved structure shall be installed and permanently retained thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

4 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list.

Reason: To define the terms and extent of the permission.

PLANS LIST:

1 0228-3-305C	EXISTING SITE PLAN
0228-3-306C	PROPOSED SITE PLAN
0228-3-310C	EXISTING GROUND AND FIRST FLOOR PLAN
0228-3-315C	PROPOSED GROUND AND FIRST FLOOR PLAN
0228-3-325C	PROPOSED ELEVATIONS
0228-3-301B	SITE LOCATION PLAN
0228-3-321B	EXISTING ELEVATION
0228-3-320B	EXISTING ELEVATIONS
0228-3-311B	EXISTING ROOF PLAN
0228-3-318B	PROPOSED ROOF PLAN

2 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy - General Note for all Development

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Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

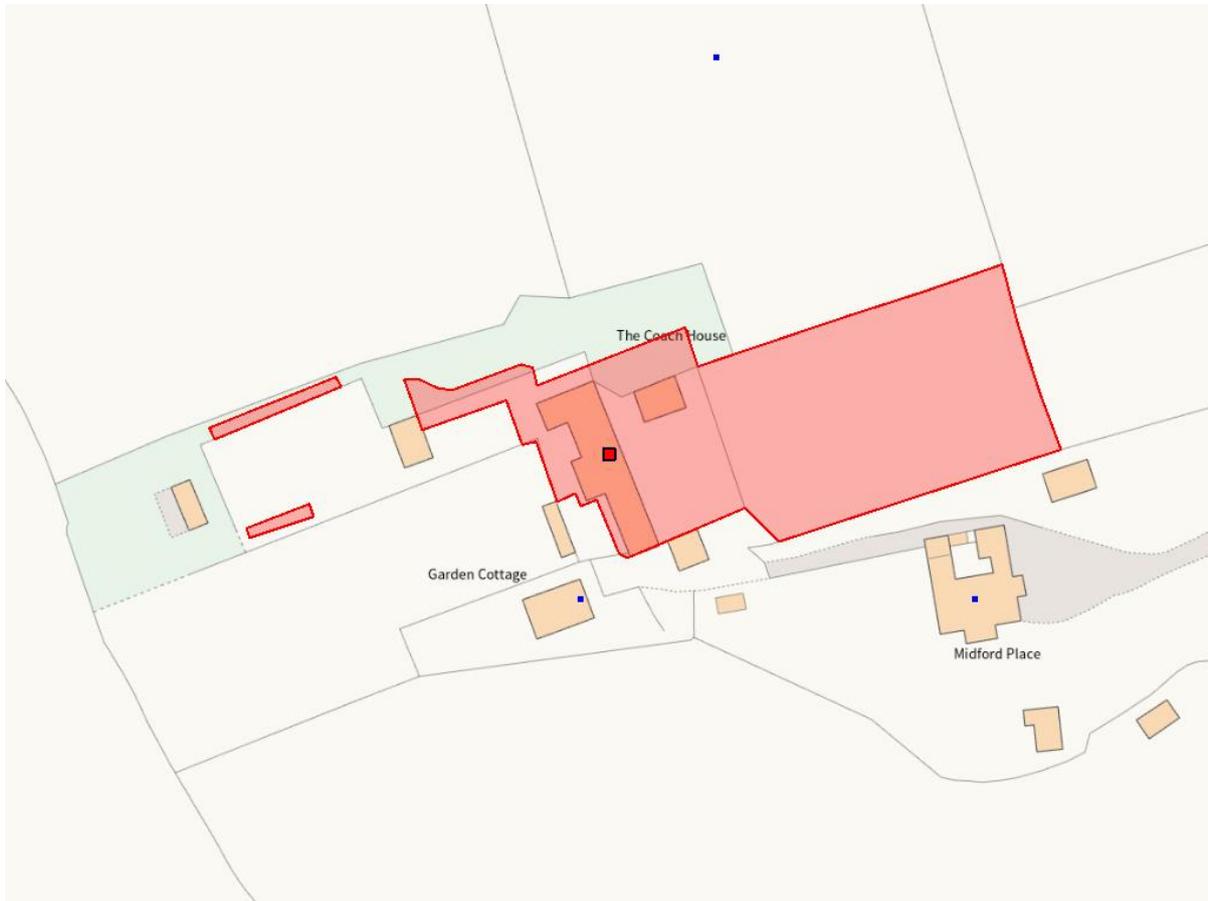
5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

6 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

Item No: 03
Application No: 25/04242/FUL
Site Location: The Coach House Midford Road Midford Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** South Stoke **LB Grade:** N/A

Ward Members: Councillor Matt McCabe Councillor Fiona Gourley

Application Type: Full Application

Proposal: Demolition of existing two-storey dwelling, and replacement with a contemporary two-storey self-build dwelling.

Constraints: Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SSCI 200m Buffer, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, Strategic Nature Areas Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr P Roper

Expiry Date: 6th January 2026

Case Officer: Ed Allsop

To view the case click on the link [here](#).

REPORT

In line with the adopted Scheme of Delegation, this application is required to go to committee because the applicant is a Councillor.

Planning permission is sought for the demolition of an existing two-storey dwelling, and replacement with a contemporary two-storey self-build dwelling. The site is located within the indicative setting of the Bath World Heritage Site, is within the Area of Outstanding Natural Beauty (AONB), the Green Belt and the setting of a listed building, Midford Place (Grade II, 1984).

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

South Stoke Parish Council: 'No comment to make on the application'.

Historic Environment: No objection, subject to conditions.

Landscape (AONB): No objection, subject to conditions.

Ecology: No objection, subject to conditions.

Sustainable construction: No objection, subject to conditions.

Representations:

1 no. comment has been received which provides general commentary on the application.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- B1: Bath Spatial Strategy
- B4: Bath World Heritage Site and its Setting
- CP5: Flood Risk Management
- CP6: Environmental Quality
- DW1: District Wide Spatial Strategy
- SD1: Presumption in favour of sustainable development
- CP8: Green Belt

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- D1: General urban design principles
- D2: Local character and distinctiveness
- D.3: Urban fabric
- D.4: Streets and spaces
- D.5: Building design
- D.6: Amenity
- D.8: Lighting
- HE1: Historic Environment
- ST7: Transport requirements for managing development
- GB1: Visual amenities of the Green Belt
- NE2: Conserving and enhancing the landscape and landscape character
- NE1: Development and green infrastructure
- NE3: Sites, habitats and species
- NE3A: Biodiversity Net Gain
- NE5: Ecological networks and nature recovery
- SCR6: Sustainable construction policy for new build residential development

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

Listed Buildings:

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation and setting of listed buildings.

Public Sector Equality Duty:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty. Section 149 provides that the Council must have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Due to the nature of the proposals, the development would not have any negative effects upon those with protected characteristics.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Principle of development (Green Belt):

The principle of replacing an existing dwelling in the Green Belt is acceptable under paragraph 154 d) of the NPPF. This is provided that the new building is in the same use and not materially larger than the one it replaces. Officers can confirm the use would remain the same (residential) and that the new building would not appear materially larger.

Therefore, officers consider the proposals to meet the NPPF Green Belt test and the works are appropriate development in the Green Belt.

Local Plan policy GB1 seeks to preserve the visual amenities of the Green Belt. Officers consider the proposals would enable this, because of the size, scale, massing and materials being acceptable. This is also corroborated by the scheme being found acceptable in landscape terms.

A simple summary of the changes between the two buildings is provided below:

- The existing building, and car port, have a total volume of 1,903m³
- The proposed building would have a total volume of 2,083m³ (approx. 9% increase)
- The existing building, and car port, have a floor area of 398m²
- The proposed building would have a floor area of 520m² (approx. 30% increase)

The new building will result in a 30% increase in floor area and 9% increase in volume. Whilst numerically, this is larger than the existing, this is not determinative when assessing whether something is materially larger. Other considerations should be taken into account such as visual and spatial impacts. The new building is partly cut into the slope of the site and does not exceed the ridge height of the existing building. The proposed elevation drawings show the existing building outlined in green. It is reasonable to conclude from a review of these plans that the new building is not materially larger both visually, spatially and physically compared to the existing scenario.

In addition to this, officers are also aware that it is also possible to typically extend an existing building in the Green Belt by up to approximately 33% under paragraph 154 c of the NPPF and policy GB3 of the Plan. Therefore, the proposed volume and floor area increase compared to the existing building, is found acceptable.

Therefore, the proposals are considered to comply with paragraph 154 d) of the NPPF and Local Plan policies CP8 and GB1.

Landscape:

The site lies within a sensitive landscape, being within the Green Belt, within the Cotswolds National Landscape and being part of the designated landscape setting of settlements under Policy NE2A but is in general visually well-contained.

Policy NE2 aims to protect, conserve and enhance the character and quality of the landscape. The LPA has a duty under Section 85 of the Countryside and Rights of Way Act 2000 to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. New development will only be permitted where it conserves or enhances local landscape character, landscape features and local distinctiveness and conserves or enhances important views particularly those to significant landmarks and features and take opportunities to create new local views and vistas.

Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

The conclusions of the LVA that overall, the proposed development would have a reduced visibility in the landscape compared with the existing building, would be visually well integrated and would be minimally intrusive in the surrounding landscape are accepted, subject to the provision of the outlined landscape design and mitigation measures. These have been secured via condition.

The works are considered to conserve the landscape, considering the existing stable buildings that exist on site. The proposals would not cause harm the landscape setting of the wider area and no mitigation is required. Therefore, the proposals comply with policy NE2 of the Placemaking Plan and LPPU for Bath and North East Somerset (2017).

Character, appearance, setting of listed building:

There is no in-principle objection to the demolition of The Coach House and its replacement from a heritage perspective. The proposed new dwelling is well-considered in its design and response to its context and setting and overall should not cause any harm to the significance of Midford Place through impact on its setting.

The existing building is not a non-designated heritage asset, nor is it curtilage listed.

The Coach House is in the setting of Midford Place (Grade II, 1984) - the setting of a heritage asset being defined as "The surroundings in which a heritage asset is experienced..." and while the significance of Midford Place is predicated on its architectural and historic interest, its immediate setting of its position within a small rural estate makes some contribution, albeit modest. There are limited views of Midford Place from the Coach House (and vice versa) but each is aware of the other's presence. The rolling landscape to the south/southwest can be appreciated from the upper floors of both Midford House and The Coach House, although it is unlikely that either property can be experienced from this landscape due to the topography and distances from where they might be glimpsed.

In considering the reuse of the existing stone, it was decided that it was variable in terms of age and quality, and therefore not appropriate for use on the new building. It was decided that Purbeck Stone would be similar in tone to Bath Stone but more durable, and has been used in Bath. The indicative images in the D&A appear to show dry walling construction - no visible pointing - which while not prevalent in Bath, would be considered acceptable in this context. The lower floor of the development would be largely obscured by the topography of the landscape and vegetation in views of the site, and it is the tonality of the stonework that is the key consideration. Subject to a sample panel being secured through a condition, the proposed stone and construction would be acceptable.

Metalwork shutters are proposed to veil some of the first-floor windows, and canopies over glazing on the west elevation will help to reduce any glint and glare on this elevation which overlooks the landscape. The use of standing seam zinc for the roof/s of the house should help the building be recessive in the landscape - indeed more so than the existing building - and not detract focus from Midford Place. Wildflower green roofs are proposed for the garage and rampart, helping the building bed into the green setting.

The proposed works by reason of their design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area and would preserve the setting of the listed building. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5 and HE1 of the Placemaking Plan and LPPU for Bath and North East Somerset (2017) and part 12 and 16 the NPPF.

World Heritage Site Setting:

The proposed development is within the Bath World Heritage Site setting; therefore, consideration must be given to the effect the proposal might have on the outstanding universal value of the World Heritage Site and its setting. In this instance, due to the size, location, and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal value or the setting of the World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan, and part 16 of the NPPF.

Residential amenity:

The replacement building is not considered to result in any harm to neighbouring occupiers in terms of overlooking or overbearing impacts, because the building will not be within influencing distance of another property, by reason of the dwelling's semi-rural siting.

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking. Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Ecology:

A "Protected Species Report" has been submitted (Ethos, October 2025) which includes preliminary bat survey building inspection of the affected structures and concludes that the buildings to be demolished support negligible bat roosting potential. This assessment is accepted.

The report also provides some information about the surrounding garden showing that it is formal and highly maintained with relatively low habitat value. There is sufficient information to provide confidence that the scheme will not harm habitats of higher importance, and the risk of protected species or other wildlife being concealed in the areas affected by works is sufficiently low that further specialist survey and assessment is not justified in this case. The risk of encountering wildlife in the building or the surrounding area cannot be completely eliminated so precautionary working methods should be used during demolition and construction which can be secured by condition.

The proposed landscape scheme and planting mixes that include native calcareous grassland and wildflower seed mix, native species mixes for attenuation pond and wet grassland, and mixed native species hedgerows, trees and shrub planting, will offer additional habitat value, as also identified by the ecological report. This is welcome and supported. The future maintenance of these areas will also influence their habitat value and the wildlife species diversity in the grassland. There are records of plants of botanical interest in the surrounding fields and there is a Site of Nature Conservation Interest (SNCI) in close proximity (field approx. 50m to the north west), designated for its species-rich calcareous grassland with botanical value. This information indicates the soils in this area and on the site are likely to be well-suited to creating or restoring species-rich (wildflower-rich) grassland. Where it can be achieved within this site, a slightly relaxed mowing regime would be recommended (less frequent cuts, and/or raised cut height, with cuttings removed). This would help to retain a low soil fertility and enable wild flowers to set seed each year, retaining and potentially increasing grassland and wildflower species diversity and habitat value over time.

Lighting and light spill:

Glazing on the northern, eastern and southern elevations, overlooking adjacent fields, is not substantial therefore does not present a likelihood of giving rise to excessive light spill and across the adjacent landscape on those elevations.

The proposal introduces extensive new glazing on the ground and first floors of the western elevation overlooking the gardens and orchard area. The risk of excessive light spill onto the wider countryside beyond is somewhat limited by the distance of the building from the site boundary, however sensitive lighting design for both external and internal lighting would still be important, to ensure excessive light spill beyond the residential curtilage is avoided, both from within the building and from external lighting in the gardens, and to minimise excessive light spill onto vegetation within the site where it would provide habitat value for nocturnal wildlife such as bats.

The mixed native species hedgerow to the west of the site, running north-south alongside the public footpath, is ecologically important and provides suitable connective habitat for use by a range of wildlife including bats. This feature in particular should be protected from excessive light spill to avoid harm to its suitability for and use by bats and other wildlife. Light spill from internal lighting can be minimised by use of recessed light fittings and downward directional lighting positioned away from the windows; recessed glazing / roof overhang; features that provide screening effect (eg the balustrade could be designed to enable it to provide additional screening); coated and/or low transmissivity glazing; and use of automated black-out blinds. Warm white colour temperature will also help to reduce ecological impacts of lighting. The scheme is considered capable of lighting design that would avoid excessive light spill beyond the residential curtilage - details can be secured by condition and should include details of a sensitive lighting design strategy, with minimal external lighting and design and features that provide a high standard of light spill containment for internal as well as external lighting.

Biodiversity Net Gain:

The application is exempt from BNG because it is a self-build dwelling, this will be secured via legal agreement.

Sustainable construction:

It is proposed to meet the requirements of policy SCR6:

o The predicted space heating demand of 29.7kWh/m² /year meets the policy requirement of <30kWh/m²/year.

o The predicted total energy use of 16.5kWh/m²/year meets the policy requirement of <40kWh/m²/year.

o The predicted renewable energy generation of 24kWh/m²/year meets the policy requirement of at least matching the total energy use,

The proposal to install a ground source heat pump to provide hot water and heating, the inclusion of MVHR and battery storage included for the PV are all supported.

However, the above values cannot be confirmed as the energy modelling data has not been submitted for review. Sustainability officers have advised that the PHPP modelling can be submitted via condition (pre-commencement).

Conclusion:

The proposals represent an appropriate form of development in the Green Belt and have been found policy compliant in landscape, heritage, ecology and sustainability disciplines. Therefore, officers are recommending that the planning application be approved, subject to the conditions attached and legal agreement of secure the property as self-build.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A.) Await the the submission of a s106 Unilateral Undertaking to secure the property as a self-build dwelling;

B.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to Conditions (or such conditions as may be appropriate):

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of

the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.
4. Physical samples of all external walling and roofing materials

The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan.

3 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

This includes all landscape mitigation measures, including those located outside of the red line, as demonstrated in the landscape strategy and landscape plan 349_GLA_XX_00_DR_L_1001 REV P01.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

4 Wildlife Protection and Enhancement measures (compliance condition)

The development hereby approved shall be carried out only in accordance with the recommendations, wildlife protection measures, and provision of additional features (bird and bat 3 boxes), as described in Section 5 of the approved Protected Species Report v4 dated October 2025 by Ethos. All measures shall be adhered to, retained and maintained thereafter for the purpose of wildlife conservation.

Reason: to avoid harm to ecology including protected species and to provide additional benefits for wildlife in compliance with policies NE3 and NE5 of the Placemaking Plan.

5 Precautionary Working Methods for the protection of wildlife (Compliance condition):

Works must proceed only in accordance with the following measures for the protection of bats and birds:

- a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the buildings and their roofs, and any crevices and concealed spaces, and of any shrubs, trees or other vegetation with potential to conceal wildlife, immediately prior to any works affecting these areas
- nests in use or under construction shall be protected undisturbed until the young have fledged
- works to the roofs of the buildings and any areas with concealed spaces or crevices shall be carried out using 'soft strip' methods, by hand, lifting materials (not sliding) to remove them, and checking beneath each one
- the site manager and site workers shall be briefed on the above requirements and appropriate ecologically sensitive methods
- If bats, nesting birds or other sensitive wildlife are encountered, works in that area shall cease and a suitably experienced professional ecologist shall be contacted for advice before proceeding.

Reason: to avoid harm to protected species (bats and nesting birds) and other wildlife in compliance with conditions NE3 and NE5 of the Placemaking Plan.

6 External & Internal Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)

No new external or internal lighting shall be installed without a sensitive lighting strategy and full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan;

2. details of lighting controls; proposed hours, frequency and duration of use;
3. details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to limit use of lights when not required; and to avoid harm to bat activity and other wildlife.

The lighting shall be installed, maintained and operated thereafter only in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan

7 Policy SCR6: Sustainable Construction (pre-commencement)

Prior to commencement of the development, the applicant shall submit the full PHPP data to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details thereafter.

Reason: To ensure that the approved development complies with Policies SCR6 of the Placemaking Plan.

8 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list.

Reason: To define the terms and extent of the permission.

PLANS LIST:

1 This application relates to the following plans:

LANDSCAPE GENERAL ARRANGEMENT PLAN - 49_GLA_XX_00_DR_L_1001 REV P01

EXISTING ELEVATIONS - AP(0)010

EXISTING SECTIONS- AP(0)015

EXISTING SITE PLAN - AP(0)02

PROPOSED ELEVATIONS- AP(0)030 C

PROPOSED ELEVATIONS -AP(0)035 C

PROPOSED SITE SECTIONS- AP(0)040 A

PROPOSED SITE SECTIONS- AP(0)045 A

EXISTING FLOOR PLANS- AP(0)05

PROPOSED SITE PLAN- AP(0)20 C

PROPOSED FLOOR PLANS -AP(0)25 D

LOCATION PLAN - AP(0)01 B

2 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at

www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

6 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Planning Committee	
MEETING/ DECISION DATE:	18th February 2026	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Bath and North East Somerset Council (Amenity land at Ivy Avenue, Southdown, Bath No.334) Tree Preservation Order 2025	
WARD:	Southdown	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
<ol style="list-style-type: none"> 1. Map from Bath and North East Somerset Council Bath and North East Somerset Council (Amenity land at Ivy Avenue, Southdown, Bath No.334) Tree Preservation Order 2025 2. Two objection letters 		

1 THE ISSUE

- 1.1 The Tree Preservation Order (TPO) entitled Bath and North East Somerset Council Bath and North East Somerset Council (Amenity land at Ivy Avenue, Southdown, Bath No.334) Tree Preservation Order 2025 was provisionally made on 13th November 2025.
- 1.2 The local planning authority must decide whether to confirm the TPO or not within 6 months of the date that the TPO was made.
- 1.3 The TPO has been brought to the Planning Committee because two objections have been received following the making of the TPO.

2 RECOMMENDATION

- 2.1 The Planning Committee is asked to confirm the Tree Preservation Order without modification.

3 THE REPORT

3.1 Background

- 3.2 The provisional Tree Preservation Order (TPO) was made following reports of tree felling and requests from members of the public for tree protection.
- 3.3 The trees were assessed using the Evaluation Method for Preservation Orders (J Forbes-Laird) as a decision-making guide, and it was concluded that the trees contribute sufficiently towards the visual amenity and character of the area to support the making of a TPO. The TPO is considered expedient to prevent further felling without due consideration of their amenity value and contribution towards green infrastructure and the contributory roles which trees play in climate change mitigation and ecosystem services.
- 3.4 The woodland designation was used to protect the mixed deciduous trees including but not limited to sycamore, hazel, elder and ash within the parcel of land. The woodland designation was considered the most appropriate and protects any regeneration of the stumps resulting from the tree felling, subsequent natural regeneration and any new tree planting.
- 3.5 The parcel of land is immediately beside Ivy Avenue and forms a welcome break in the row of housing and contributes towards the character of the area. It offers space for larger canopied and longer lived trees compared with what can be reasonably accommodated in residential gardens.
- 3.6 The land slopes up to the rear of the properties in Hillcrest Drive so the trees on the upper slopes appear more significant as a result.

3.7 Responses to the Tree Preservation Order

- 3.8 The Council is required to consider all duly made objections and representations before deciding whether to confirm the TPO.
- 3.9 Two objections have been received to the making of the Order from the landowner and from residents of an address in Ivy Avenue. A decision on whether the TPO should be confirmed or not must therefore be made by Planning Committee. The objections which attached to this report.

3.10 Objections

- i. History of tree failure onto the public highway and public safety risk which demonstrates that the trees in their current unmanaged and neglect state and with structural defects present an ongoing and foreseeable public safety concern.
- ii. History of land movement and nearby land slip in the vicinity of this site. The Tree Preservation Order would restrict the ability to carry out proportionate, preventative arboricultural management that is necessary to secure the long term health and stability of the remaining trees.
- iii. The site is publicly visible but has limited public amenity value. The trees are of poor quality and are not worthy of protection by Tree Preservation Order. While they can be seen from the public road, they do not form a distinctive landmark, cohesive group or positive visual feature of notable

public benefit. Their form, condition and unmanaged nature detract from, rather than enhance, the wider street scene.

- iv. The land does not meet any recognised definition of woodland. There is no continuous canopy, no understorey, no characteristic woodland ground flora and no cohesive ecological structure. The scattered self-seeded trees have developed through a lack of maintenance.
- v. Nuisance caused including excessive shading, resulting in limited natural light to properties; overhanging branches which pose a potential safety risk; falling debris, such as leaves, twigs and small branches which create maintenance issues and potential hazards and the encroachment of branches extending towards residential boundaries. Local residents have commented positively regarding improved daylight to their properties following recent works.

3.11 The objections outlined in section 3.10 have been considered by the officer and the following comments are made:

- i. A TPO does not prevent works and an application supported by sound arboricultural reasons for pruning or felling as the need arises can be made. The landowner was advised that an application could be submitted for any essential works prior to a decision on whether the TPO should be made permanent or not. A TPO enables the Council to condition the quality of the workmanship or replacement planting as appropriate. The management of trees falls under the Occupiers Liability Act (1957 and 1984) where the owner owes a duty of care to avoid acts or omissions that may cause a reasonably foreseeable risk of injury to persons or property. This long-established duty places a responsibility upon landowners to manage and inspect trees as a reasonable and prudent landowner. Omissions to correctly manage trees in accordance with this legislation is an entirely separate issue. The presence of a TPO would not have assisted nor hindered the management of these trees historically, what it does do is protect their public presence and benefit from felling without sound rationale.
- ii. Further details of the location of the land movement or the reasons for that movement have not been supplied. An engineer's report has not been provided to determine whether remediation works on the site are necessary. A TPO would not prevent any essential investigations should these be necessary. An application would be necessary which must be determined by the local planning authority within 8 weeks. Tree roots and the promotion of understorey growth could assist in stabilisation of the ground. Tree and ground cover removal is more likely to result in soil erosion. A TPO application would not necessarily be refused for arboricultural management that is necessary to secure the long term health and stability of the remaining trees.
- iii. The trees provide a break in the housing offering a pocket of greenery and relief from the hard surfacing which dominates the area. The woodland forms a distinctive area which is significant in the predominantly urban setting and is readily identifiable from aerial views. The value of the trees within the site is reflected by the reports received by Bath and North East Somerset Council of tree felling on the site which extended to the

involvement of the Forestry Commission. Local residents have stated that they were shocked at the tree felling and maintain that the visual amenity as well as the wildlife seen and enjoyed assist in their health and mental wellbeing. The loss of trees and erosion of canopy cover can readily be rectified with positive tree and land management.

- iv. The sum of the whole of the site is greater than the worth of the individual trees. The objection is considered by your officer to be reliant on the recent loss of trees on the site. The appearance of the land was woodland both in aerial view and street views with closed canopy and dense understorey consistent with a woodland setting. An extract from the lease signed by residents of Ivy Avenue specifically refers to the land as a 'woodland amenity area'.
- v. The items listed as providing a nuisance to residents and users of the road and footpaths can be addressed by pruning and a TPO application for reasonable works would be supported. The submitted objections highlight that the trees had been neglected and not maintained. This indicates that inspections and remedial works had not been undertaken which would have resulted in the issues cited.

3.12 13 supporting comments have been received from individuals who live in Ivy Avenue. Comments included in support of the TPO:

- i. Peaceful area, welcome green space aesthetically pleasing and enhancing the appearance of the street in an urban area where few mature trees are.
- ii. Assists with the wellbeing and mindfulness of residents.
- iii. An oasis for wildlife including bats, visiting deer, a variety of birds with reports of a badger sett.
- iv. Offers soil protection and stabilisation, rain management to avoid road flooding and shade in Summer.
- v. Felling is against national aspirations to increase woodland cover.

3.13 The confirmation of the Tree Preservation Order would ensure that further tree felling or pruning will require an application with adequate information to support the proposal. The woodland designation does not require trees within the site to have individual merit. The TPO ensures that trees, saplings and regenerating stumps which grow naturally or are planted within the woodland area after the TPO is made are also protected to secure future amenity.

4 STATUTORY CONSIDERATIONS

4.1 Town and Country Planning Act 1990 and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 There is no legal basis for the owner of the trees to claim compensation from the Council for making them the subject of a tree preservation order. However if a tree is covered by a tree preservation order and the Council refuses an

application to fell a tree or trees, the owner may be able to claim compensation if he or she suffers a loss or damage as a consequence of that refusal.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 In reaching its decision the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty. Section 149 provides that the Council must have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 Officers have had due regard to these matters when assessing this Tree Preservation Order and have concluded that neither the confirming of the TPO or not confirming the TPO would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against.

8 CLIMATE CHANGE

8.1 The retention of trees and canopy cover within urban environments positively contributes towards the mitigation of the effects of climate change and ecological emergency.

8.2 Trees store carbon and can improve air quality by cooling the air and filtering airborne particulates, assist in surface water management by regulating water flow and improving water quality, and providing wildlife habitats.

9 OTHER OPTIONS CONSIDERED

9.1 A decision not to confirm the TPO will remove protection from the site and enable the land owner to arrange for the remaining trees to be felled should they wish. This option was rejected due to the number of representations received in support of the TPO and the contribution which the trees make towards the character of the area.

10 CONSULTATION

10.1 Advice has been sought from the Monitoring Officer and S151 Officer.

Contact person	Mrs Jane Brewer 01225 477505
Background papers	Tree Preservation Order
Please contact the report author if you need to access this report in an alternative format	

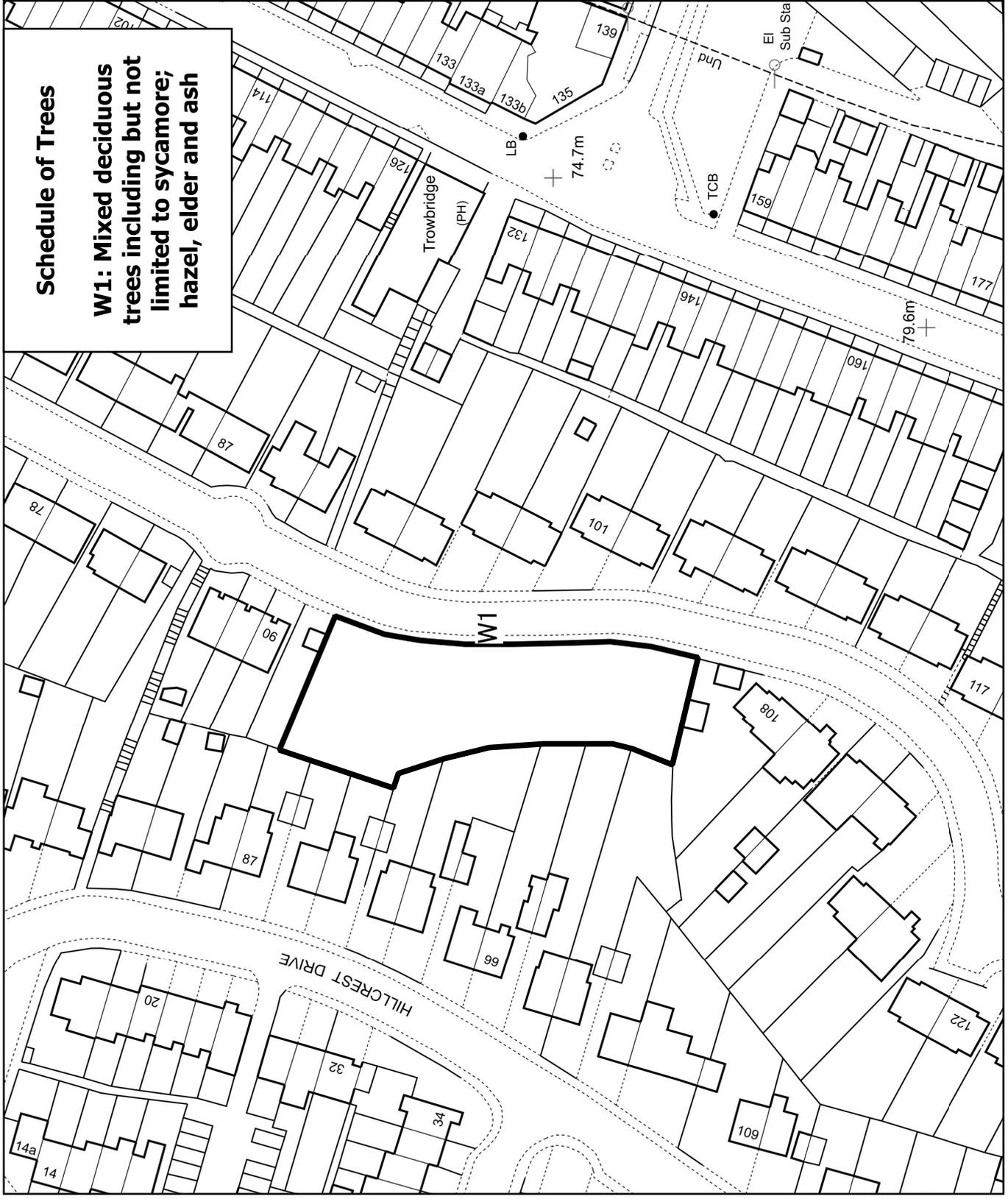
Scale 1:1000
Date: November 2025
Plan No: 500/334;
25/00008/TPO
Grid Ref: ST 731635

Title:
TOWN AND COUNTRY
PLANNING ACT 1990
BATH AND NORTH EAST
SOMERSET COUNCIL

(Amenity land at Ivy
Avenue, Southdown,
Bath No.334)

Page 55
TREE PRESERVATION
ORDER 2025

Paula Freeland
Deputy Head of Planning –
Performance and Specialists
Planning and Building Control
Sustainable Communities



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Emily Sheppard

From: Craig Harding [REDACTED]
Sent: 10 December 2025 15:30
To: Development Management
Subject: Objection to Proposed Tree Preservation Order 25/00008/TPO – Land between 90 and 108 Ivy Avenue, Southdown, Bath
Attachments: TPO_25-00008_Ivy_Avenue_Full_Submission_Craig_Harding_10-09-2025.zip

Dear Development Management Team

Please find attached my formal objection to the proposed Tree Preservation Order 25/00008/TPO relating to the land between 90 and 108 Ivy Avenue, Southdown, Bath, together with supporting documents. A covering letter is also included within the submission.

The submission is provided as a zipped folder titled:

[TPO 25-00008 Ivy Avenue Full Submission Craig Harding 10-09-2025.zip](#)

This folder contains the following documents:

- Formal Objection
- Arboricultural Report
- Title Severance and Land Ownership Evidence, including HM Land Registry title registers and title plans
- Statutory and Regulatory Framework

I respectfully request that this objection and all supporting material are taken fully into account when you consider whether to confirm the proposed Tree Preservation Order.

Please could you confirm safe receipt of this email and the attached submission. I would also be grateful if you could let me know if this matter is referred to the Planning Committee, and ensure that all future correspondence and updates in relation to this case are sent directly to me using the contact details below.

Many thanks for your assistance.

Kind regards

Craig Harding
[REDACTED]

Mr C Harding

Planning Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG



10th December 2025

Proposed Tree Preservation Order 25/00008/TPO
Land between 90 and 108 Ivy Avenue, Southdown, Bath

Dear Sir or Madam,

Please find enclosed my formal submission in respect of the above proposed Tree Preservation Order, comprising the following documents:

Annex A Formal Objection

Annex B Arboricultural Report

Annex C Title Severance and Land Ownership Evidence

Annex D Statutory and Regulatory Framework

I respectfully request that all enclosed material is taken fully into account when determining whether the Order should be confirmed.

Please also let me know if this matter is referred to the Planning Committee, and I would be grateful if all future correspondence and updates in relation to this case could be sent directly to me.

Yours faithfully

Craig Harding



Title register for:

Land on the north side of 108 Ivy Avenue, Bath (BA2 1AN) (Freehold)

Title number: ST311686

Accessed on 02 October 2024 at 15:14:47

This information can change if we receive an application. This service can not tell you if HM Land Registry are dealing with an application.



This is not an official copy. It does not take into account if there's a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case, you'll need to order an official copy of the register.

Register summary

Title number ST311686

Registered owners Craig Harding
96 Kilmersdon Road, Radstock BA3 3QR

Last sold for £400 on 16 March 2023

A: Property Register

This register describes the land and estates comprised in this title.

Entry number	Entry date	
--------------	------------	--

1	1970-04-13	BATH AND NORTH EAST SOMERSET
---	------------	------------------------------

The Freehold land shown edged with red on the plan of the above title filed at the Registry and

being Land on the north side of 108 Ivy Avenue,
Bath (BA2 1AN).

2 A Conveyance of the land tinted pink and tinted blue on the title plan and other land dated 30 January 1970 made between (1) Alan Everitt Coombe and Norman Henry Shore (Trustees) and (2) Federated Design and Building Group Limited (Purchaser) contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED by and between the parties hereto that the Purchaser and the persons deriving title under it shall not become entitled to any easement or right of light or air or other easement or right which would restrict or interfere with the free use of any of the adjoining or neighbouring land retained by the Trustees or any person deriving title under them for building or any other purposes."

3 1991-11-15 The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of 108 Ivy Avenue dated 26 June 1991 made between (1) Goodhavens Limited and Gordon Bloor and Company (Transferors) and (2) Ronald James Foalks and Susan Eileen Foalks (Transferees):-

"Together with the rights specified in the first schedule hereto but except and reserving unto the Transferor and their successors in title for the benefit of the adjoining or neighbouring property now or formerly belonging to the Transferor the easements and other rights specified in the Second Schedule

THE FIRST SCHEDULE

Appurtenant Rights

1. A right to the free passage and running of water and soil gas electric current and water to and from the said property or dwellinghouse erected on the plot of and through the sewers or drains gas pipes electricity cables and water pipes constructed or to be constructed or laid within 21 years from the 1st July 1977 in under or over the adjoining land of the Transferor to the public sewer or main with full power at all times to enter into and upon the said adjoining land for the purposes of inspecting repairing and renewing the same and also for the effecting repair and decoration to the property doing no avoidable damage and making good all damage which may be occasioned to the said adjoining land

2. A right in common with all others entitled thereto to use the land edged green on the said plan as a woodland amenity area subject to the payment of a proportionate part of the cost of keeping the same in good order to the satisfaction of the Local Planning Authority

3. A right of way together with the other persons entitled thereto at all times and for all purposes over the footway coloured brown on the said plan upon payment of a proportionate part of the cost of maintaining the said footway coloured brown in good condition and repair

THE SECOND SCHEDULE

Exceptions and Reservations

1. The free passage and running of water and soil gas electric current and water to and from all dwellinghouses and other buildings which may be

erected on adjoining or neighbouring land in and through the drains or sewers gas pipes electricity cables (whether overhead or underground) and water pipes constructed or to be constructed or laid within 21 years from the 1st of July 1977 in under or over the property with full power at all times hereafter with or without workmen and others to enter into and upon the property for the purpose of laying and connecting with the same and inspecting repairing and renewing the same and also for effecting repairs and decorations to any building on the adjoining land doing no avoidable damage and making good all damage which may be done to the land thereby

2. At any time hereafter or from time to time full right and liberty to execute works and erections upon or alter or rebuild any of the buildings erected on the Transferors adjoining or neighbouring land and to use its adjoining and neighbouring lands and buildings in such manner as may think fit notwithstanding that the access of light and air to the property may be interfered with

3. All such rights and easements as are now vested in any comparable body person or person for the use and convenience of other properties in the neighbourhood".

NOTE: Original filed under AV211525.

4	2015-04-08	The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
5	2016-05-06	The land has the benefit of any legal easements reserved by a Transfer of 114 Ivy Avenue dated 6 May 2016 made between (1) Bath Ground Rent Estate Limited and (2) John Brian Lakey and

Jennifer Ann Lakey but is subject to any rights that are granted by the said deed and affect the registered land.

NOTE: Copy filed under ST328054.

6 2016-05-06 The land has the benefit of any legal easements reserved by a Transfer 127 Ivy Avenue dated 6 May 2016 made between (1) Bath Ground Rent Estate Limited and (2) Kenneth Douglas Burcombe and Nicola Burcombe but is subject to any rights that are granted by the said deed and affect the registered land.

NOTE: Copy filed under ST328055.

7 2016-05-06 The land has the benefit of any legal easements reserved by a Transfer of 125 Ivy Avenue dated 6 May 2016 made between (1) Bath Ground Rent Estate Limited and (2) Richard Lewis Gillies Gamow but is subject to any rights that are edged and numbered ST328057 in green granted the said deed and affect the registered land.

NOTE: Copy filed under ST328057.

8 2016-09-28 The land has the benefit of any legal easements reserved by a Transfer of 119 Ivy Avenue dated 2 August 2016 made between (1) Bath Ground Rent Estate Limited and (2) David Charles Godfrey Cunliffe and Susan Mary Cunliffe but is subject to any rights that are granted by the said deed and affect the registered land.

NOTE: Copy filed under ST330971.

9 2017-12-15 The land has the benefit of any legal easements reserved by a Transfer of 116 Ivy Avenue dated 21 July 2017 made between (1) Bath Ground Rent Estate Limited and (2) Pei Jian Hei and Yumei Chen

but is subject to any rights that are granted by the said deed and affect the registered land.

NOTE: Copy filed under ST338569.

10 2018-11-02 The land has the benefit of any legal easements reserved by a Transfer of 115 Ivy Avenue dated 30 October 2018 made between (1) Bath Ground Rent Estate Limited and (2) Paul Sherbourne Hunt and Donna Hunt but is subject to any rights that are granted by the said deed and affect the registered land.

NOTE 1:-Copy filed under ST348441.

NOTE 2:- These easements are included in the registration only so far as they are capable of subsisting at law and the grantor was entitled to grant the same.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Class of Title: Title absolute

Entry number	Entry date	
1	2023-03-31	PROPRIETOR: CRAIG HARDING of 96 Kilmersdon Road, Radstock BA3 3QR.
2	2023-03-31	The price stated to have been paid on 16 March 2023 was £400.

C: Charges Register

This register contains any charges and other matters that affect the land.

Class of Title: Title absolute

(1) The Bath Land Company Limited and (2) Walter Edward Shackell the covenants contained in the Conveyance dated 14 November 1892 referred to above were released so far as the number of houses to be erected thereon was restricted.

5 2016-09-02 The land is subject to any legal easements granted by a Transfer of other land known as 121 Ivy Avenue dated 19 August 2016 made between (1) Bath Ground Rent Estate Limited (Transferor) and (2) Daniel Mark O'Brien and Lucy Victoria Charlotte O'Brien (Transferees).

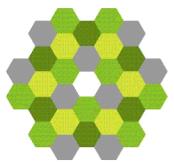
NOTE:-Copy filed under ST330419.

6 2018-01-04 The land is subject to any legal easements granted by a Transfer of 101 Ivy Avenue dated 20 December 2017 made between (1) Bath Ground Rent Estate Limited and (2) Anne Christine Mary MacCormack.

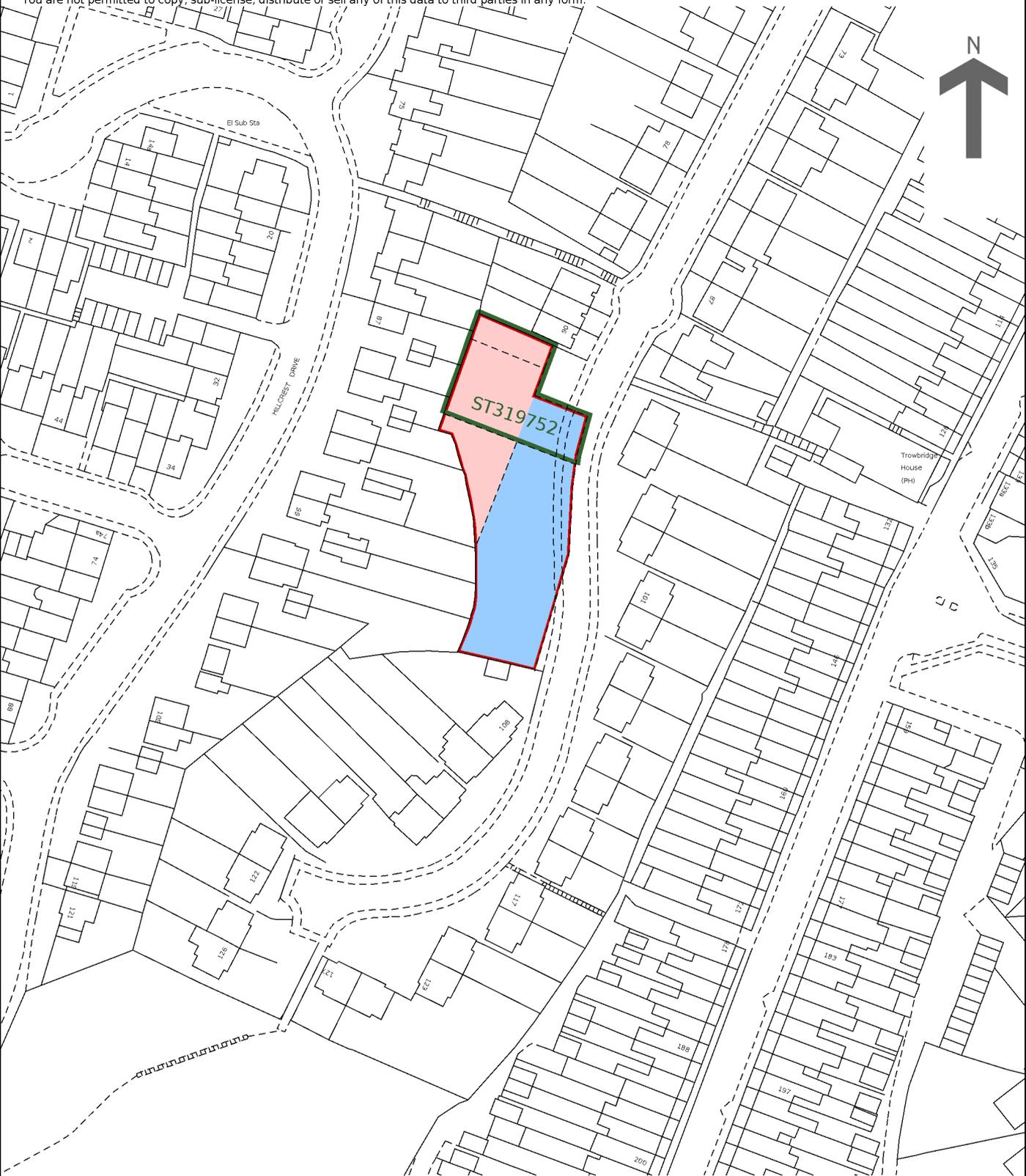
NOTE:-Copy filed under ST341450.

7 2019-07-03 The land is subject to any rights that are granted by a Transfer of 105 Ivy Avenue dated 28 June 2019 made between (1) Bath Ground Rent Estate Limited and (2) Barrie Richard Coleman and Joanna Mary Coleman and affect the registered land.

NOTE: Copy filed under ST353752.



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Title register for:

Land at Ivy Avenue, Bath (Freehold)

Title number: ST319752

Accessed on 10 December 2025 at 12:23:05

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Register summary

Title number	ST319752
Registered owners	Fiscal Properties (Somerset) Limited 4 The Shambles, Bradford-On-Avon BA15 1JS
Last sold for	£35,000 on 18 August 2017

A: Property Register

This register describes the land and estates comprised in this title.

Entry number	Entry date	
1	1970-04-13	BATH AND NORTH EAST SOMERSET The Freehold land shown edged with red on the plan of the above title filed at the Registry and

being Land at Ivy Avenue, Bath.

2 A Conveyance of the land tinted pink and tinted blue on the title plan and other land dated 30 January 1970 made between (1) Alan Everitt Coombe and Norman Henry Shore (Trustees) and (2) Federated Design and Building Group Limited (Purchaser) contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED by and between the parties hereto that the Purchaser and the persons deriving title under it shall not become entitled to any easement or right of light or air or other easement or right which would restrict or interfere with the free use of any of the adjoining or neighbouring land retained by the Trustees or any person deriving title under them for building or any other purposes."

3 1991-11-15 The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of 108 Ivy Avenue dated 26 June 1991 made between (1) Goodhavens Limited and Gordon Bloor and Company (Transferors) and (2) Ronald James Foalks and Susan Eileen Foalks (Transferees):-

"Together with the rights specified in the first schedule hereto but except and reserving unto the Transferor and their successors in title for the benefit of the adjoining or neighbouring property now or formerly belonging to the Transferor the easements and other rights specified in the Second Schedule

THE FIRST SCHEDULE

Appurtenant Rights

1. A right to the free passage and running of water and soil gas electric current and water to and from the said property or dwellinghouse erected on the plot of and through the sewers or drains gas pipes electricity cables and water pipes constructed or to be constructed or laid within 21 years from the 1st July 1977 in under or over the adjoining land of the Transferor to the public sewer or main with full power at all times to enter into and upon the said adjoining land for the purposes of inspecting repairing and renewing the same and also for the effecting repair and decoration to the property doing no avoidable damage and making good all damage which may be occasioned to the said adjoining land

2. A right in common with all others entitled thereto to use the land edged green on the said plan as a woodland amenity area subject to the payment of a proportionate part of the cost of keeping the same in good order to the satisfaction of the Local Planning Authority

3. A right of way together with the other persons entitled thereto at all times and for all purposes over the footway coloured brown on the said plan upon payment of a proportionate part of the cost of maintaining the said footway coloured brown in good condition and repair

THE SECOND SCHEDULE

Exceptions and Reservations

1. The free passage and running of water and soil gas electric current and water to and from all dwellinghouses and other buildings which may be erected on adjoining or neighbouring land in and

through the drains or sewers gas pipes electricity cables (whether overhead or underground) and water pipes constructed or to be constructed or laid within 21 years from the 1st of July 1977 in under or over the property with full power at all times hereafter with or without workmen and others to enter into and upon the property for the purpose of laying and connecting with the same and inspecting repairing and renewing the same and also for effecting repairs and decorations to any building on the adjoining land doing no avoidable damage and making good all damage which may be done to the land thereby

2. At any time hereafter or from time to time full right and liberty to execute works and erections upon or alter or rebuild any of the buildings erected on the Transferors adjoining or neighbouring land and to use its adjoining and neighbouring lands and buildings in such manner as may think fit notwithstanding that the access of light and air to the property may be interfered with

3. All such rights and easements as are now vested in any comparable body person or person for the use and convenience of other properties in the neighbourhood".

NOTE: Copy of the original filed under AV211525.

4	2021-05-27	The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
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B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Class of Title: Title absolute

Entry number	Entry date	
1	2017-08-23	PROPRIETOR: FISCAL PROPERTIES (SOMERSET) LIMITED (Co. Regn. No. 03286394) of 4 The Shambles, Bradford-On-Avon BA15 1JS.
2	2017-08-23	The price stated to have been paid on 18 August 2017 was £35,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

Class of Title: Title absolute

Entry number	Entry date	
1		The land is subject to the right of the Bath Land Company Limited to carry thereunder or there through any sewer drain water or gas pipe and ancillary rights of entry at reasonable times.
2		The land is subject to the free passage and running of water soil gas and electricity through the drains sewers pipes mains wires and cables in under or over the land.
3		The land is subject (i) to the subsisting rights (if any) of the South Western Electricity Board and all those claiming under it in respect of any cables laid thereunder and (ii) to all (if any) rights of way water light drainage electricity gas and other easements quasi-easements and privileges affecting the same.
4		A Conveyance of the land tinted pink on the title plan and other land dated 14 November 1892 made between (1) The Bath Land Company Limited (2) James Allon Tucker and (3) Henry Bennett Woods contains the following covenants:-

And the Purchaser covenants with the Company to the intent that the covenants hereinafter appearing may run with the land that he will not at any time build more than houses on the said land or build or suffer to be built any dwellinghouse or other building within thirty feet of any road adjoining the said land And further that no nuisance damage annoyance or disturbance shall be carried on erected or suffered on any part of the said land or in any house or building thereon. And further that no building erected or to be erected on the said land shall be used for the sale of intoxicating liquors.

By a Deed dated 3 September 1907 made between (1) The Bath Land Company Limited and (2) Walter Edward Shackell the covenants contained in the Conveyance dated 14 November 1892 referred to above were released so far as the number of houses to be erected thereon was restricted.

5	2021-05-27	The land is subject to such rights as may have been granted by leases of land originally in this title for the original terms of the respective leases or until earlier extinguishment of the rights.
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Title register for:

LAND ON THE SOUTH-WEST SIDE OF 90 Ivy Avenue, Bath (BA2 1AN)
(Freehold)

Title number: ST365480

Accessed on 10 December 2025 at 12:42:26

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Register summary

Title number	ST365480
Registered owners	Aequus Developments Ltd Cambridge House, Henry Street, Bath BA1 1BT
Last sold for	£410,000 on 24 November 2023 This value covers more than just the land in this title

A: Property Register

This register describes the land and estates comprised in this title.

Entry number	Entry date	
1	1970-04-13	BATH AND NORTH EAST SOMERSET

The Freehold land shown edged with red on the plan of the above title filed at the Registry and being LAND ON THE SOUTH-WEST SIDE OF 90 Ivy Avenue, Bath (BA2 1AN).

2

A Conveyance of the land tinted pink on the title plan and other land dated 30 January 1970 made between (1) Alan Everitt Coombe and Norman Henry Shore (Trustees) and (2) Federated Design and Building Group Limited (Purchaser) contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED by and between the parties hereto that the Purchaser and the persons deriving title under it shall not become entitled to any easement or right of light or air or other easement or right which would restrict or interfere with the free use of any of the adjoining or neighbouring land retained by the Trustees or any person deriving title under them for building or any other purposes."

3

1991-11-15

The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of 108 Ivy Avenue dated 26 June 1991 made between (1) Goodhavens Limited and Gordon Bloor and Company (Transferors) and (2) Ronald James Foalks and Susan Eileen Foalks (Transferees):-

"Together with the rights specified in the first schedule hereto but except and reserving unto the Transferor and their successors in title for the benefit of the adjoining or neighbouring property now or formerly belonging to the Transferor the easements and other rights specified in the Second Schedule

THE FIRST SCHEDULE

Appurtenant Rights

1. A right to the free passage and running of water and soil gas electric current and water to and from the said property or dwellinghouse erected on the plot of and through the sewers or drains gas pipes electricity cables and water pipes constructed or to be constructed or laid within 21 years from the 1st July 1977 in under or over the adjoining land of the Transferor to the public sewer or main with full power at all times to enter into and upon the said adjoining land for the purposes of inspecting repairing and renewing the same and also for the effecting repair and decoration to the property doing no avoidable damage and making good all damage which may be occasioned to the said adjoining land

2. A right in common with all others entitled thereto to use the land edged green on the said plan as a woodland amenity area subject to the payment of a proportionate part of the cost of keeping the same in good order to the satisfaction of the Local Planning Authority

3. A right of way together with the other persons entitled thereto at all times and for all purposes over the footway coloured brown on the said plan upon payment of a proportionate part of the cost of maintaining the said footway coloured brown in good condition and repair

THE SECOND SCHEDULE

Exceptions and Reservations

1. The free passage and running of water and soil gas electric current and water to and from all dwellinghouses and other buildings which may be erected on adjoining or neighbouring land in and through the drains or sewers gas pipes electricity cables (whether overhead or underground) and water pipes constructed or to be constructed or laid within 21 years from the 1st of July 1977 in under or over the property with full power at all times hereafter with or without workmen and others to enter into and upon the property for the purpose of laying and connecting with the same and inspecting repairing and renewing the same and also for effecting repairs and decorations to any building on the adjoining land doing no avoidable damage and making good all damage which may be done to the land thereby

2. At any time hereafter or from time to time full right and liberty to execute works and erections upon or alter or rebuild any of the buildings erected on the Transferors adjoining or neighbouring land and to use its adjoining and neighbouring lands and buildings in such manner as may think fit notwithstanding that the access of light and air to the property may be interfered with

3. All such rights and easements as are now vested in any comparable body person or person for the use and convenience of other properties in the neighbourhood".

NOTE: Copy of the original filed under AV211525.

4	2021-05-27	A Transfer of the land in this title dated 29 April 2021 made between (1) Fiscal Properties (Somerset) Limited and (2) Kevin Thomas Swaine and Anne Patricia Swaine contains a provision relating to the creation and/or passing of easements.
---	------------	--

NOTE: Copy filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Class of Title: Title absolute

Entry number	Entry date	
1	2023-12-15	PROPRIETOR: AEQUUS DEVELOPMENTS LTD (Co. Regn. No. 10060817) of Cambridge House, Henry Street, Bath BA1 1BT.
2	2023-12-15	The price stated to have been paid on 24 November 2023 for the land in this title and in title AV224132 was £410,000.
3	2023-12-15	RESTRICTION: No disposition of the registered estate (other than a charge) by the proprietor of the registered estate is to be registered without a certificate signed by Bath and North East Somerset Council of Lewis House, Manvers Street, Bath BA1 1JG or their conveyancer that the provisions of Clause 11.2 of a Transfer dated 24 November 2023 made between (1) Kevin Thomas Swaine and Anne Patricia Swaine and (2) Aequus Developments Ltd have been complied with.
4	2023-12-15	RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 6 December 2023 in favour of Bath and North East Somerset Council referred to in the Charges Register.

C: Charges Register

This register contains any charges and other matters that affect the land.

Class of Title: Title absolute

Entry number	Entry date
--------------	------------

-
- | | |
|---|---|
| 1 | The land is subject to the right of the Bath Land Company Limited to carry thereunder or there through any sewer drain water or gas pipe and ancillary rights of entry at reasonable times. |
| 2 | The land is subject to the free passage and running of water soil gas and electricity through the drains sewers pipes mains wires and cables in under or over the land. |
| 3 | The land tinted pink on the title plan is subject (i) to the subsisting rights (if any) of the South Western Electricity Board and all those claiming under it in respect of any cables laid thereunder and (ii) to all (if any) rights of way water light drainage electricity gas and other easements quasi-easements and privileges affecting the same. |
| 4 | <p>A Conveyance of the land in this title and other land dated 14 November 1892 made between (1) The Bath Land Company Limited (2) James Allon Tucker and (3) Henry Bennett Woods contains the following covenants:-</p> <p>And the Purchaser covenants with the Company to the intent that the covenants hereinafter appearing may run with the land that he will not at any time build more than houses on the said land or build or suffer to be built any dwellinghouse or other building within thirty feet of any road adjoining the said land And further that no nuisance damage annoyance or disturbance shall</p> |
-

be carried on erected or suffered on any part of the said land or in any house or building thereon. And further that no building erected or to be erected on the said land shall be used for the sale of intoxicating liquors.

By a Deed dated 3 September 1907 made between (1) The Bath Land Company Limited and (2) Walter Edward Shackell the covenants contained in the Conveyance dated 14 November 1892 referred to above were released so far as the number of houses to be erected thereon was restricted.

5 The land tinted blue on the title plan is subject to the following rights reserved by a Conveyance thereof and other land dated 30 June 1976 made between (1) Owen Vincent Andrews and Florence Elizabeth Andrews (Vendors) and (2) C H Beazer (Holdings) Limited (Purchaser):-

"Subject

.....

As to the property secondly hereinbefore conveyed to the reservation of a right of way over land of a width four feet six inches running along the whole of the northern boundary thereof."

NOTE: The land tinted blue on the title plan forms part of the property secondly conveyed, referred to above.

6 2023-12-15 The land is subject, for a term of 250 years from 1 January 2000, to the rights reserved by a Lease dated 20 October 2000 made between (1) Bath Ground Rent Limited and (2) Kevin Thomas Swaine and Anne Patricia Swaine, which lease is now determined.

NOTE: Copy filed under ST192363.

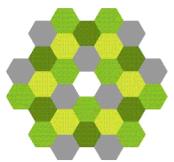
7 2023-12-15 A Transfer of the land in this title and other land dated 24 November 2023 made between (1) Kevin Thomas Swaine and Anne Patricia Swaine and (2) Aequus Developments Ltd contains covenants.

NOTE: Copy filed under AV224132.

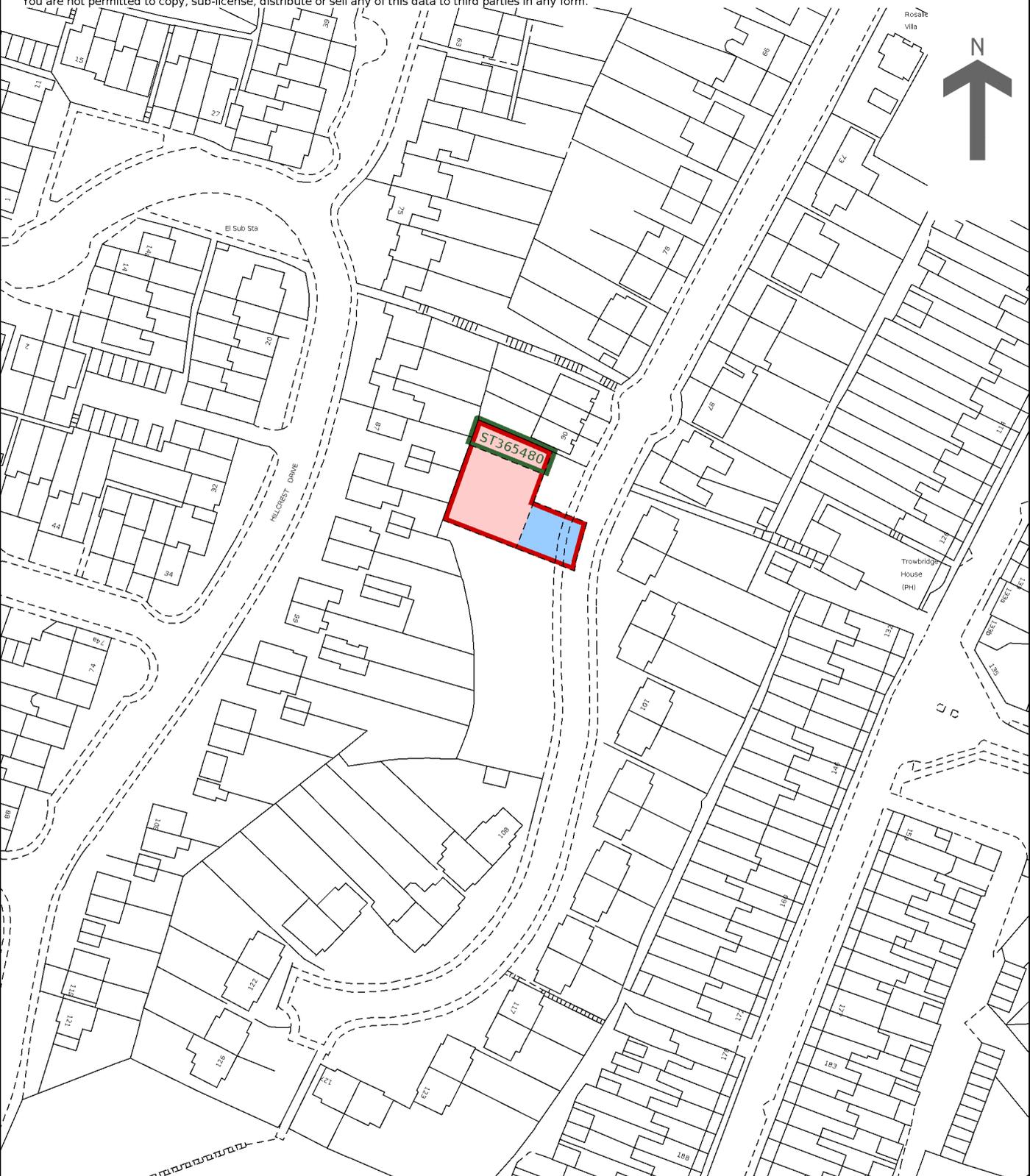
8 2023-12-15 REGISTERED CHARGE dated 6 December 2023 affecting also title AV224132.

9 2023-12-15 Proprietor: Bath and North East Somerset Council of Lewis House, Manvers Street, Bath BA1 1JG.

10 2023-12-15 The proprietor of the Charge dated 6 December 2023 referred to above is under an obligation to make further advances. These advances will have priority to the extent afforded by section 49(3) Land Registration Act 2002.



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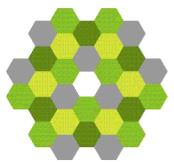
This is a copy of the title plan on 10 DEC 2025 at 12:23:04. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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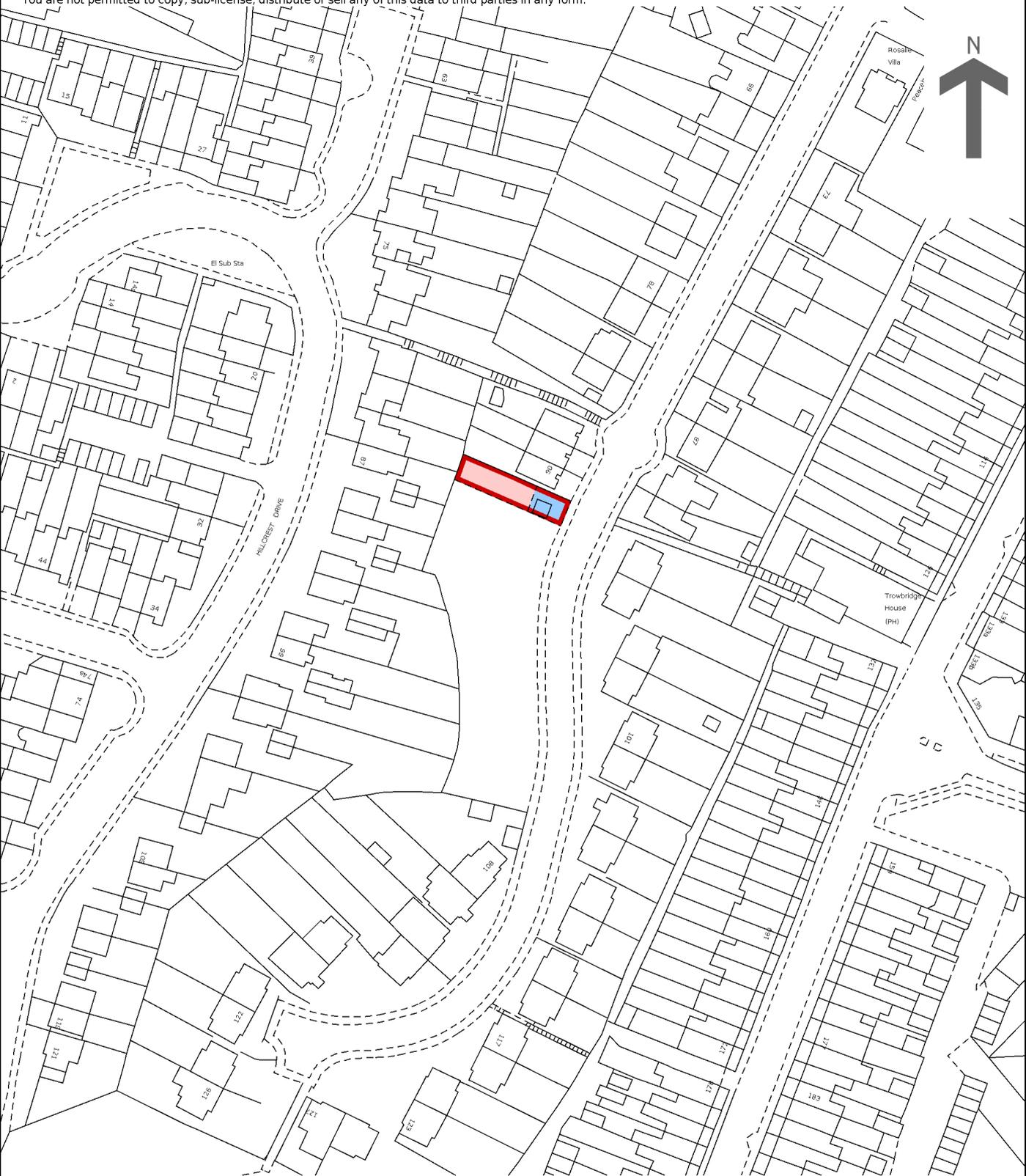
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HM Land Registry Current title plan

Title number **ST365480**
Ordnance Survey map reference **ST7363NW**
Scale **1:1250**
Administrative area **Bath and North East Somerset**



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HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

Planning Services
Bath & North East Somerset Council
Lewis House,
Manvers Street,
Bath
BA1 1JG

10th December 2025

Formal Objection to Proposed Tree Preservation Order

Dear Sir or Madam

I write to formally object to the proposed Tree Preservation Order relating to the trees located on the parcel of land between 90 and 108 Ivy Avenue, Southdown, Bath, reference 25/00008/TPO.

This objection must be read alongside my formal severance correspondence submitted to the council confirming the creation and title history of this severed parcel of land, together with the independent arboricultural assessment prepared by Tibbs Tree Surgeons Ltd, carried out by Mr Alan Tibbs RFS Cert Arb. Both documents are relied upon in full support of this objection.

I support the protection of trees where they provide genuine public amenity and where their long term retention is demonstrably in the wider public interest. However, section 198 of the Town and Country Planning Act 1990 makes clear that a Tree Preservation Order may only be made where it is expedient in the interests of amenity and where the trees in question justify the restriction imposed. Having carefully reviewed the circumstances on this site, I do not consider that the statutory test is met. My reasons are set out below.

1. History of tree failure onto the public highway and public safety risk

There is a well established pattern of trees on this bank failing and shedding material onto the public highway and adjoining footway. Several incidents have required emergency works due to the immediate danger posed to road users and pedestrians. This pattern of failure demonstrates that the trees in their current unmanaged state present an ongoing and foreseeable public safety concern.

This danger is independently corroborated by the arboricultural inspection undertaken by Tibbs Tree Surgeons Ltd, who confirm that the semi mature sycamore group is of poor quality, has included bark at the main unions, has a history of shedding limbs over the highway and footpath, and is heavily clad in climbing vegetation which materially increases wind loading and failure risk.

National guidance on Tree Preservation Orders confirms that public safety is a primary material consideration when determining whether it is expedient to make or confirm an order. The imposition of a statutory restriction over trees that already present a known and recorded hazard is neither proportionate nor consistent with responsible tree management.

2. Nearby land slip and resulting instability affecting tree rooting and longevity

Local Authority Building Control officers have advised that there is a history of land movement and nearby land slip in the vicinity of this site. This indicates that the bank on which these trees are growing is subject to ground instability that directly affects rooting conditions and long term tree stability.

Trees growing within or adjacent to slipping ground are inherently vulnerable to progressive root plate displacement, loss of anchorage and asymmetric loading. In such circumstances, trees may exhibit increasing lean, stress growth and declining structural integrity over time, even where outward signs of failure are not immediately apparent.

The imposition of a Tree Preservation Order in an area where nearby land slip has already been identified would materially restrict the ability to carry out proportionate, preventative arboricultural management that is necessary to secure the long term health and stability of the remaining trees. Rather than safeguarding amenity, the effect of the order would be to increase the likelihood of future tree failure arising from unmanaged root instability.

3. Public visibility but limited public amenity value

The trees are visible from the public highway and footway and I acknowledge that they form part of the immediate streetscape when viewed at close range. However, visibility alone does not equate to significant public amenity value for the purposes of section 198 of the Town and Country Planning Act 1990.

The independent arboricultural assessment prepared by Tibbs Tree Surgeons Ltd confirms that the trees are of poor quality and are not worthy of protection by Tree Preservation Order. While they can be seen from the public road, they do not form a distinctive landmark, cohesive group or positive visual feature of notable public benefit. Their form, condition and unmanaged nature detract from, rather than enhance, the wider street scene.

Accordingly, although visible, their contribution to public amenity is limited and does not reach the threshold of clear, demonstrable public benefit required to justify the long term statutory restriction that a Tree Preservation Order imposes.

4. Condition of the trees and demonstrable structural defects

The independent arboricultural assessment prepared by Tibbs Tree Surgeons Ltd concludes that the trees are of poor quality and are not worthy of protection by Tree Preservation Order. The report identifies included bark at the main unions, historic limb failure over the highway and footpath, and climbing vegetation which materially increases the likelihood of wind throw.

Excessive lean on this site is a clear indicator of root plate movement associated with unstable ground. In combination with existing structural defects, this creates a materially increased risk of failure. The imposition of a Tree Preservation Order would place unreasonable restriction on the duty to manage these hazards responsibly and promptly.

5. Improved daylight and residential wellbeing following recent works

Section 198 requires the council to consider the wider effects of trees on amenity, including the enjoyment of property by local residents. Following recent proportionate works to the site, multiple neighbours have commented verbally that there has been a noticeable improvement in daylight to their properties.

Residents report improved living conditions and enhanced wellbeing, particularly given the bowl shaped nature of this estate where natural light is already limited by topography and surrounding built form. The confirmation of a Tree Preservation Order that would prevent similar proportionate management in future would remove these demonstrable benefits and would not reflect the positive amenity outcomes already achieved.

6. Long term lack of maintenance and historic neglect

Prior to my ownership, the trees and vegetation on this land had not been maintained for a considerable period of time. Government guidance confirms that Tree Preservation Orders are not intended to prevent essential management or to entrench unsafe conditions that arise from historic neglect.

The present condition of the trees is directly attributable to prolonged lack of care. Responsible ownership now requires active management to ensure tree health and public safety. The proposed order would unreasonably restrict that process and perpetuate the consequences of long term neglect.

7. Title severance and land status

The land subject to the proposed Tree Preservation Order is a severed parcel created by formal title division, as documented in my severance correspondence already provided to the council. That severance confirms that the land no longer forms part of any managed public amenity area or designed landscape but exists as a distinct private residual parcel.

This is materially relevant to the exercise of the council's powers under section 198. The statutory test requires the authority to assess whether the trees provide amenity of sufficient public weight to justify legal restriction. The severed legal and physical status of the land reinforces the absence of any genuine public amenity function.

Land classification

Amenity land

The land should not be regarded as amenity land. It provides no functional or recreational benefit to the public or neighbouring properties. It is not publicly accessible, is not maintained for public enjoyment and was not designed as open space within the estate. Its configuration, location and condition do not enhance outlook, character or residential amenity. It is a residual parcel of underused ground with no defined landscape function and no established public use.

Woodland

The land does not meet any recognised definition of woodland. There is no continuous canopy, no understorey, no characteristic woodland ground flora and no cohesive ecological structure. The trees are scattered and self seeded rather than forming a deliberate or naturalised woodland environment. The area has developed through lack of maintenance rather than ecological succession consistent with woodland designation.

Unmanaged scrubland

The land is most accurately described as overgrown unmanaged scrub with scattered self seeded trees. It does not perform any formal landscape, amenity or ecological function beyond that which can be secured through proportionate management without the imposition of a Tree Preservation Order.

Request

For the reasons set out above, I respectfully request that the council withdraws or declines to confirm the proposed Tree Preservation Order 25/00008/TPO. The statutory tests under section 198 are not satisfied, the public amenity value is limited, and confirmation of the order would conflict with the safe and responsible management of trees on this site.

I am willing to provide, or have already supplied, the formal title severance correspondence together with the independent arboricultural report prepared by Tibbs Tree Surgeons Ltd, along with photographs and neighbour statements if required. These documents provide clear professional and factual support for this objection.

Yours faithfully

Mr C Harding



Mr C Harding



3rd December 2025

Arboriculture assessment

Dear Mr Harding,

Thank you for instructing me to inspect your land at Ivy Avenue, Bath.

Following my visit, I have assessed the trees located on the right hand side of Ivy Avenue in order to determine their condition. In accordance with **Section 198 of the Town and Country Planning Act 1990**, a Tree Preservation Order should only be made where it is expedient in the interests of amenity. In my professional opinion, the trees on this site are generally of poor quality and do not meet this threshold for statutory protection.

My principal concern relates to the group of multi stemmed, semi mature sycamores. These trees exhibit included bark at the principal unions, which represents a recognised structural defect. They also have a documented history of shedding limbs over the public footpath and highway, giving rise to a foreseeable risk to public safety. Under **Section 200 of the Town and Country Planning Act 1990**, authorities are required to take account of tree safety and management, and in this instance the risk presented is, in my opinion, unacceptable.

In addition, the trees are heavily clad in climbing vegetation, which increases their sail effect and significantly elevates the likelihood of windthrow. This further compounds the safety risk, particularly given their proximity to the highway. The ongoing duty of care under **common law negligence and the Occupiers' Liability Acts** requires that such foreseeable hazards are appropriately addressed.

Please feel free to contact me if you would like to discuss this assessment further.

Kind regards,

Alan Tibbs
Tibbs Tree Surgeons Ltd
RFS Cert Arb

BANES Council (Planning Services)
Lewis House
Manvers Street
Bath
BA1 1JG

10th December 2025

TITLE SEVERANCE, OWNERSHIP AND STATUS OF WOODLAND AMENITY RIGHTS

Land at Ivy Avenue, Bath

To whom it may concern,

1. Introduction

I write in my capacity as the registered proprietor and freeholder of Title Number **ST311686**, having acquired the freehold interest on **16 March 2023**, being land formerly forming part of a larger estate at Ivy Avenue, Bath. This letter is provided to clarify formally the legal position in respect of the historic woodland amenity right and its present status following successive registered title severances.

2. Original Creation of the Woodland Amenity Right

The woodland amenity right was originally created by a Transfer dated 26 June 1991 and was registered against the then parent title. The right was expressly granted in the following terms: "A right in common with all others entitled thereto to use the land edged green on the said plan as a woodland amenity area, subject to the payment of a proportionate part of the cost of keeping the same in good order to the satisfaction of the Local Planning Authority." At that time, the woodland land and the benefiting plots formed part of a single unified registered estate.

3. First Severance of the Land (Creation of ST319752)

By a registered title event dated 27 May 2021, land was formally removed from the then parent title and was separately registered under new Title Number **ST319752**. This constituted a full legal severance of part of the original estate and created an independent freehold title out of land that had previously formed part of what is now my retained title.

4. Second Severance of the Land (Creation of ST365480)

Subsequently, land was removed from Title Number **ST319752** and was separately registered under Title Number **ST365480**, thereby creating a second generation title derived from my original land via ST319752.

5. Legal Effect of Severance on the Woodland Amenity Right

It is a settled principle of land law that an easement only continues following title severance where it is expressly re granted or reserved in the subsequent registration. Following these successive severances, the woodland amenity right does not appear on my retained title **ST311686** and does not continue to benefit that land in any capacity. The woodland amenity right is, however, expressly recorded as benefiting **Title Number ST365480**, but not the intermediate title ST319752.

6. Present Legal Position

Accordingly, the woodland amenity right is now legally **selective and not estate wide**, and it benefits only Title Number **ST365480** within the chain derived from my original ownership. No woodland amenity right exists in law which benefits my retained land at ST311686 or burdens it with any recreational, access or communal maintenance obligation.

7. Legal Status of the Intermediate Land (ST319752)

The land now registered under Title Number **ST319752**, being the first severed title derived from my land, is privately owned third party land. It is not communal estate land, is not universally subject to shared amenity easements, and is not subject to any general public recreational designation by title. Any historic reference to estate amenity woodland is therefore descriptive only and carries no automatic legal effect over my retained land unless expressly stated on the register.

8. Planning and Arboricultural Implications

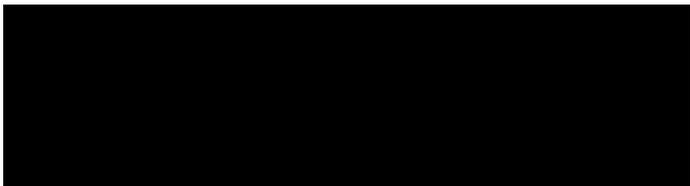
In light of the above, there is no universal communal woodland designation in law, no surviving estate wide shared amenity right, and no legal basis for treating the woodland as shared public amenity land when assessing planning or arboricultural matters. Any Tree Preservation Order or amenity assessment should therefore be based upon present land ownership and current planning merit rather than historic estate designations that no longer survive in title.

9. Statement of Accuracy

This letter is derived directly from the registered title entries held by HM Land Registry and reflects the current legal position as at December 2025.

Yours faithfully,

Craig Harding



Planning Services
Bath & North East Somerset Council
Lewis House,
Manvers Street,
Bath
BA1 1JG

Statutory and Regulatory Framework Supporting Objection to Tree Preservation Order 25/00008/TPO

This document is submitted in support of the formal objection to the proposed Tree Preservation Order at land between 90 and 108 Ivy Avenue, Southdown, Bath. It sets out the relevant statutory duties and procedural requirements that govern the proper exercise of the local planning authority's powers.

1. Section 198 Town and Country Planning Act 1990 Power to make Tree Preservation Orders

Section 198 provides that a Tree Preservation Order may be made only where it is expedient in the interests of amenity. The authority must therefore be satisfied that the trees provide a distinct and meaningful public amenity benefit and that the degree of control imposed by a TPO is justified and proportionate. It is not sufficient that trees are merely visible. National guidance and case law establish that amenity must be real, present and of substantive public importance. Where trees are of poor quality, compromised condition, limited contribution or require active management for safety and long term health, the expediency test is not met. In the present case the statutory expediency test is not satisfied due to the professional evidence confirming limited amenity value, the degraded and unsafe condition of the trees, and the necessity for active long term management.

2. Section 197 Town and Country Planning Act 1990 General duty relating to trees

Section 197 places a general duty on planning authorities to ensure that, whenever it is appropriate, adequate provision is made for the preservation and planting of trees and for the management of trees within development and land use control. This section does not create an absolute presumption in favour of preservation. Instead, it requires a balanced and proportionate approach which recognises that preservation must sit alongside safe, reasonable and responsible land and tree management. Where unmanaged retention would perpetuate instability, hazard or declining tree health, confirmation of a Tree Preservation Order would conflict with the purpose of section 197.

3. Section 200 Town and Country Planning Act 1990 Supplementary provisions regarding Tree Preservation Orders

Section 200 confirms that Tree Preservation Orders must be applied reasonably, with proper regard to land management, and without imposing unjustified burdens on landowners. This reinforces the principle that TPOs are not intended to prevent necessary maintenance nor to lock land into unsafe or declining conditions created by historic neglect.

4. Regulation 6 Town and Country Planning (Tree Preservation) (England) Regulations 2012

Making of a Tree Preservation Order

Regulation 6 requires that when making a Tree Preservation Order the authority must correctly identify the trees, correctly categorise the land and tree groups, and act on a proper evidential basis supporting expediency. Where land is incorrectly classified as woodland or amenity land, or where the authority fails to properly assess the actual condition and status of the trees, the validity of the Order is undermined.

5. Regulation 16 Consideration of objections

Regulation 16 requires the authority to take all duly made objections into account and to give those objections proper and genuine consideration before deciding whether to confirm, modify or cancel the Order. This places a positive legal duty on the authority to properly assess professional evidence, land status and management constraints raised by objectors.

6. Regulation 17 Confirmation with modifications

Regulation 17 confirms that the authority may only confirm a Tree Preservation Order without modification or with modification where appropriate. Where the evidence demonstrates that the statutory tests under section 198 are not met, the appropriate lawful outcome is non confirmation of the Order, not merely modification.

7. Regulation 23 Revocation of Tree Preservation Orders

Regulation 23 confirms that a Tree Preservation Order may be revoked at any time where it is no longer justified. This reinforces the principle that Tree Preservation Orders are not permanent by default and must remain justified by ongoing amenity, condition and public benefit.

Conclusion

When sections 197, 198 and 200 of the Town and Country Planning Act 1990 are read together with regulations 6, 16, 17 and 23 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, the legal position is clear. Tree Preservation Orders must be evidence led, proportionate, justified by real public amenity, and must not prevent responsible and necessary land and tree management. For the reasons set out in the main objection letter and supported by this statutory framework, confirmation of Tree Preservation Order 25/00008/TPO would be inconsistent with the proper exercise of the authority's powers.

Emily Sheppard

From: Jane Brewer
Sent: 18 December 2025 12:25
To: Emily Sheppard
Subject: Mr Chapman re Amenity land at Ivy Avenue, Southdown, Bath No 334

Categories: Emily

From: Jane Brewer <Jane_Brewer@BATHNES.GOV.UK>

Sent: 08 December 2025 09:28

Subject: RE: Tree Preservation Order 2025 : Amenity land at Ivy Avenue, Southdown, Bath No 334

Dear Mr and Mrs Chapman,

The Council's protocol prevents an officer from confirming a TPO under delegated powers if an objection is submitted. This is to ensure that decisions are made in an even-handed and open manner.

The decision on whether to confirm or not to confirm the Order would be determined by the Planning Committee following an objection. The Committee will also take into account all representations received.

You would be notified of the date with details regarding your right to speak at the Committee if this becomes necessary.

With regards

Jane

Jane Brewer (Mrs)
Senior Arboricultural Officer
Planning and Conservation
Planning and Building Control
Sustainable Communities
Bath and North East Somerset Council
Telephone: 01225 477505
www.bathnes.gov.uk
www.twitter.com/bathnes

Please note that I work Monday to Thursday and my mailbox is not monitored in my absence.

RTPI (SW) Planning Authority of the Year 2023 - Winner

RTPI (SW) Award for Planning Excellence 2023 – Winner

RTPI (SW) Award for planning Excellence 2024 - Shortlisted



Before printing, think about the environment

From: STEVEN CHAPMAN [REDACTED]
Sent: 07 December 2025 09:57
To: Jane Brewer <Jane_Brewer@BATHNES.GOV.UK>
Subject: Re: Tree Preservation Order 2025 : Amenity land at Ivy Avenue, Southdown, Bath No 334

[REDACTED]

Dear Jane

Thank you for your email reply dated 4 December 2025.

Please accept this email as our Objection to the Tree Preservation Order.

Kind regards

Steven and Mary Chapman

From: Jane Brewer <Jane_Brewer@BATHNES.GOV.UK>

Sent: 04 December 2025 11:36

[REDACTED]

Subject: Tree Preservation Order 2025 : Amenity land at Ivy Avenue, Southdown, Bath No 334

Dear Mr and Mrs Chapman,

Thank you for your email and comments regarding the trees opposite your home.

A Tree Preservation Order does not prevent the proactive management of trees, however, the land owner or their agent would need to submit an application to the local planning authority first before undertaking the works. There are exemptions to the requirement such as works to dead or dangerous trees or parts of trees. In these circumstances the local planning authority would require 5 days notice in writing unless works are critical to prevent imminent harm.

Further information regarding protected trees can be found at:

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

Under the Occupiers' Liability Acts of 1957 and 1984 the occupier of a site has a duty to take reasonable care to prevent or minimise the risk of personal injury or damage to property arising

from any tree on their site. A Tree Preservation Order does not remove the landowner's responsibilities.

Please can you let me know whether I should treat your email as an objection to the Tree Preservation Order. The Council has 6 months in which to decide to confirm the Order or not and this decision will need to be made by the Planning Committee if objections are received.

With regards

Jane

Jane Brewer (Mrs)
Senior Arboricultural Officer
Planning and Conservation
Planning and Building Control
Sustainable Communities
Bath and North East Somerset Council
Telephone: 01225 477505
www.bathnes.gov.uk
www.twitter.com/bathnes

Please note that I work Monday to Thursday and my mailbox is not monitored in my absence.

RTPI (SW) Planning Authority of the Year 2023 - Winner
RTPI (SW) Award for Planning Excellence 2023 – Winner
RTPI (SW) Award for planning Excellence 2024 - Shortlisted

Improving People's Lives



 Before printing, think about the environment

From: STEVEN CHAPMAN [REDACTED]
Sent: 01 December 2025 13:00
To: Development Management <development_management@bathnes.gov.uk>
Subject: Tree Preservation Order 2025 : Amenity land at Ivy Avenue, Southdown, Bath No 334

For the attention of Mrs Jane Brewer, Senior Arboricultural Officer

Although we appreciate and support the eco reasons behind the enforcement of the Tree Preservation Order, we wish to express our own health and safety concerns in respect of the future management of the amenity area.

We would like to begin by providing you with some background history on this piece of land.

We have lived directly opposite the parcel of land marked for the past 38 years during which time there has been little engagement from the Council or our Leaseholders to address the management of this wooded amenity area. This matter was originally supported back in 2013 by our Independent Councillor, June Player, who was extremely pro-active in helping us contact the then Leaseholder, Martin Perry, West of England Estates.

June's vigorous campaign also applied to the monstrous tree growth at the rear of houses 101 and 103 which are HMO properties and to who June was able to obtain details of the landlords and wrote to them accordingly. The public footpath to the rear of these properties is no longer accessible and no action has ever been taken by the Landlords to address the maintenance and cutting back of the trees, or to maintain their properties to an acceptable standard.

In both cases, however, despite a huge effort on the part of June in addressing these issues through the correct channels it all fell on deaf ears and eventually other important local matters forced June to concede that she had hit a brick wall. (I still have emails from June in my files dated 2013).

During the last 38 years there have been 3 separate incidents when very large trees have uprooted themselves following adverse weather conditions resulting on one occasion where a tree landed on our car. The outcome of this extremely stressful incident cumulated in our car being 'written off' following a long drawn out insurance claim for which we were left out of pocket.

Over recent years these trees have continued to grow significantly and are now causing a number of issues for the residents who live opposite, including:

- **Excessive shading**, resulting in limited natural light entering nearby homes
- **Overhanging branches**, which pose a potential safety risk, particularly during high winds
- **Falling debris**, such as leaves, twigs and small branches, creating maintenance issues and potential hazards on the footpath and road
- **Encroachment**, with branches extending towards residential boundaries

If the amenity area were subject to regular assessment and appropriate action taken, such as pruning or maintenance work to ensure the trees are kept at a safe and manageable size this would greatly improve the safety and appearance of the area and reduce the ongoing nuisance caused to residents thus also providing a safe natural habitat for all existing wildlife.

I think we can all acknowledge and agree that current eco weather patterns are now at levels not previously seen and recent falling trees are now very much a topic on the national news. We believe prompt and decisive action needs to be taken and we'd like to believe that this time the Council/Leaseholder will take this matter seriously and it won't just become another paper exercise to add to our files!

Kind regards
Mary and Steven Chapman

Bath & North East Somerset Council		
MEETING:	Planning Committee	
MEETING DATE:	18th February 2026	AGENDA ITEM NUMBER
RESPONSIBLE OFFICER:	Louise Morris - Head of Planning & Building Control	
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES	
WARD:	ALL	
BACKGROUND PAPERS:	None	
AN OPEN PUBLIC ITEM		

APPEALS LODGED

App. Ref: 24/02712/FUL
Location: Land Between 92 And 106 London Road West Lower Swainswick Bath Bath And North East Somerset
Proposal: Erection of 6 no. residential dwellings (Use Class C3) and associated infrastructure.
Decision:
Decision Date:
Decision Level:
Appeal Lodged: 14 January 2026

App. Ref: 24/03057/FUL
Location: Land To West Of Weston All Saints Primary School Osbournes Hill Upper Weston Bath Bath And North East Somerset
Proposal: Erection of 4no dwellings and associated works, hard and soft landscaping
Decision: REFUSE
Decision Date: 14 July 2025
Decision Level: Delegated
Appeal Lodged: 14 January 2026

App. Ref: 25/04338/AGRN
Location: Knoll Farm White Ox Mead Lane Peasedown St John Bath Bath
And North East Somerset
Proposal: Erection of two agricultural barns
Decision: REFUSE
Decision Date: 4 December 2025
Decision Level: Delegated
Appeal Lodged: 14 January 2026

App. Ref: 25/02896/PIP
Location: 83 North Road Midsomer Norton Bath And North East Somerset
BA3 2QH
Proposal: Permission in Principle for the erection of 4no link dwellings.
Decision: REFUSE
Decision Date: 6 November 2025
Decision Level: Delegated
Appeal Lodged: 16 January 2026

App. Ref: 25/03807/FUL
Location: Street Record High Street Keynsham Bath And North East
Somerset
Proposal: The installation of 1no internally illuminated static sign.
Decision: REFUSE
Decision Date: 4 December 2025
Decision Level: Delegated
Appeal Lodged: 23 January 2026

App. Ref: 25/03808/AR
Location: Street Record High Street Keynsham Bath And North East
Somerset
Proposal: Display of 1no internally illuminated static sign.
Decision: REFUSE
Decision Date: 4 December 2025
Decision Level: Delegated
Appeal Lodged: 23 January 2026

APPEALS DECIDED

App. Ref: 25/00934/FUL
Location: 27 Bloomfield Avenue Oldfield Park Bath Bath And North East Somerset BA2 3AB
Proposal: Construction of vehicle access
Decision: REFUSE
Decision Date: 23 July 2025
Decision Level: Delegated
Appeal Lodged: 10 October 2025
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 9 January 2026

App. Ref: 25/01750/FUL
Location: Flat 1 9 Walcot Buildings Walcot Bath Bath And North East Somerset
Proposal: External works for the erection of a single storey rear extension.
Decision: REFUSE
Decision Date: 22 July 2025
Decision Level: Delegated
Appeal Lodged: 2 September 2025
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 13 January 2026

App. Ref: 25/01865/LBA
Location: Flat 1 9 Walcot Buildings Walcot Bath Bath And North East Somerset
Proposal: External works for the erection of a single storey rear extension.
Decision: REFUSE
Decision Date: 17 July 2025
Decision Level: Delegated
Appeal Lodged: 7 August 2025
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 13 January 2026

App. Ref: 24/03647/FUL
Location: Fairash House Harptree Hill West Harptree Bristol Bath And North East Somerset
Proposal: Conversion of existing shed into a detached one storey, one bedroom dwelling.
Decision: REFUSE
Decision Date: 12 September 2025
Decision Level: Delegated
Appeal Lodged: 10 October 2025
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 14 January 2026

App. Ref: 25/00041/FUL
Location: Parcel 6200 Moorledge Lane Chew Magna Bristol Bath And North East Somerset
Proposal: Change of use from Agricultural Field to Secure Dog Field. Proposed fencing around perimeter of the field. Proposed single storey mobile field shelter. (Retrospective)
Decision: REFUSE
Decision Date: 31 July 2025
Decision Level: Planning Committee
Appeal Lodged: 10 October 2025
Appeal Decision: Appeal Allowed
Appeal Decided Date: 16 January 2026

Bath & North East Somerset Council		
MEETING:	Planning Committee	
MEETING DATE:	18 February 2026	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report covering period 1 Oct – 31 Dec 2025	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases		

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across Planning.

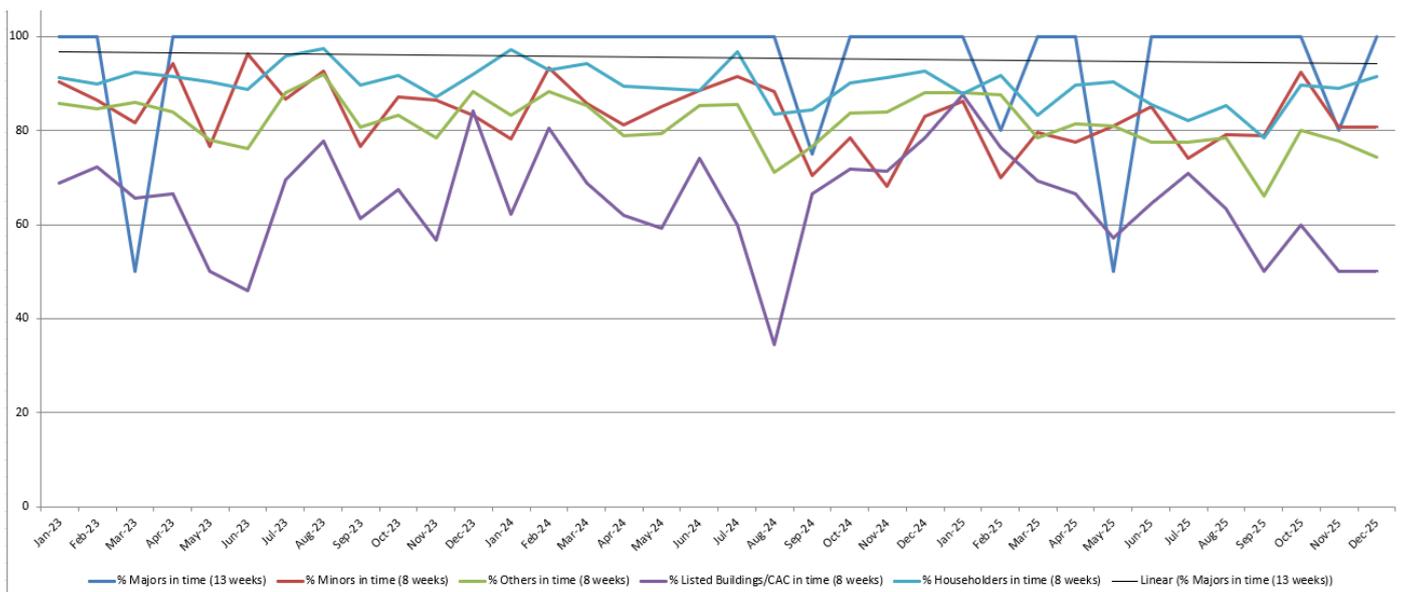
2 RECOMMENDATION

Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts, and commentary

1 - Comparison of Applications Determined Within Target Times



% of planning applications in time	2023-2024				2024-2025			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
% Majors in time	(7/7) 100%	(12/12) 100%	(6/7) 86%	(4/4) 100%	(8/9) 89%	(7/8) 88%	(8/8) 100%	(7/8) 88%
% Minors in time	(71/83) 86%	(83/98) 85%	(86/103) 83%	(102/133) 77%	(70/88) 80%	(95/117) 81%	(86/112) 77%	(70/83) 84%
% Others in time	(269/314) 86%	(281/348) 81%	(284/363) 78%	(283/332) 85%	(255/301) 85%	(338/423) 80%	(273/368) 74%	(241/310) 78%

Highlights:

- All three categories have been above target consistently every quarter for over 9 years (Majors target 60%, Non-majors target 70%).
- Performance is similar to the last published England average of 90.8% for Majors, and a little below the average of 91% for Non-majors (year ending Sept 2025) but still above the national targets.

Note:

Major - 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over

Minor - 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare

Other - changes of use, householder development, adverts, listed building consents, demolition in a conservation area

2 - Recent Planning Application Performance

Application nos.	2023-2024				2024-2025			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Received	536	615	495	514	613	565	508	480
Withdrawn	49	38	56	51	41	34	39	23
Delegated no. and %	395 (98%)	446 (97%)	457 (97%)	445 (95%)	377 (95%)	531 (96%)	469 (96%)	383 (96%)
Refused no. and %	15 (4%)	15 (3%)	38 (8%)	34 (7%)	26 (7%)	16 (3%)	29 (6%)	25 (6%)

Highlights:

- 0.1% rise in planning application numbers compared to the previous 12 months – the last published national trend figure was an 3% decrease (year ending Sept 2025).
- 6% decrease in planning application numbers compared to the same quarter last year.
- The current delegation rate is in line with the last published England average of 96% (year ending Sept 2025).
- Percentage of refusals on planning applications remains very low compared to the last published England average of 13% (year ending Sept 2025) and we put this down to the high level of use and overall success of our Pre-application advice service which also brings income into the service.

3 – Dwelling Decisions and Numbers

Decisions on Major residential applications	2023-2024				2024-2025			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Decisions on Major residential applications (10 or more dwellings)	3	8	2	2	5	2	2	1
Major residential	3	6	1	2	5	2	2	1

decisions granted								
Number of dwellings applied for on Major schemes	283	16	0	320	10	0	260	207
Number of dwelling units permitted on schemes (net)	156	228	99	699	403	134	75	463

Highlights:

- There was one major residential planning decision last quarter and it was granted.

4 - Planning Appeals

	Jan – Mar 2025	Apr – Jun 2025	Jul – Sep 2025	Oct – Dec 2025
Appeals lodged	17	16	9	18
Appeals decided	10	15	13	15
Appeals allowed	2 (20%)	2 (13%)	6 (46%)	5 (33%)
Appeals dismissed	8 (80%)	13 (87%)	7 (54%)	10 (67%)

Highlights:

- Over the last 12 months performance on Appeals Allowed (28%) is better than the national average of approx. 30%
- Planning Appeal costs awarded against the council in this financial year: None.

5 - Enforcement Investigations

	Jan – Mar 2025	Apr – Jun 2025	Jul – Sep 2025	Oct – Dec 2025
Investigations launched	105	100	86	80
Investigations in hand	518	547	564	538
Investigations closed	119	71	83	105
Enforcement Notices issued	5	1	1	0
Planning Contravention Notices served	5	3	4	2
Breach of Condition Notices served	2	1	0	0
Stop Notices	0	0	0	0
Temporary Stop Notices	1	0	0	0
Injunctions	0	0	0	0

6 – Other Work (applications handled but not included in national returns)

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received.

	Jan – Mar 2025	Apr – Jun 2025	Jul – Sep 2025	Oct – Dec 2025
Other types of work	414	381	395	358

7 – Works to Trees

	Jan – Mar 2025	Apr – Jun 2025	Jul – Sep 2025	Oct – Dec 2025
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	31	17	17	31
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	100%	100%
Number of notifications for works to trees within a Conservation Area (CA)	151	203	263	269
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	95%	99%	99%	97%

Highlights:

- Performance on works to trees remains excellent.

8 – Corporate Customer Feedback

The latest quarterly report is published here:

<https://www.bathnes.gov.uk/view-customer-feedback-and-complaint-reports>

9 - Ombudsman Complaints

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

Planning complaints reaching the LGSCO:

Ombudsman Complaints	Jan – Mar 25	Apr – Jun 25	Jul – Sep 25	Oct – Dec 25
Investigated: Upheld	0	0	0	0
Investigated: Not upheld	0	0	0	1
Cases closed after initial inquiries (rejected by LGO with no action or out of their jurisdiction)	0	1	0	1
Premature Complaint (referred back to Council)	0	0	0	0

Highlights:

- One not upheld complaint.

10 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. CIL annual reports, Infrastructure Funding Statements and Infrastructure Delivery Plan 2021 are also published on our website: <https://www.bathnes.gov.uk/policy-and-documents-library/annual-cil-spending-reports>

(Note: figures are for **guidance only** and could be subject to change due to further updates with regards to monitoring S106 funds)

S106 Funds received (2025/26)	£1,472,514.51
CIL sums overview – Potential Liability amount (April 2015 to date)	£26,441,815.76
CIL sums overview – Paid (April 2015 to date)	£32,975,138.76

11 – Chair Referrals

Table 11 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. *A further analysis of Chair referral cases is in Appendix 1 below.*

	Jan – Mar 2025	Apr – Jun 2025	Jul – Sep 2025	Oct – Dec 2025
Chair referral delegated	14	5	16	10
Chair referral to Planning Committee	7	7	9	6

12 – 5 Year Housing Land Supply

5 year housing land supply

A	Calculation			
B	5 year supply requirement (1489x5)		7,445	
C	Deliverable supply		3,908	
				Supply as a % of requirement
D	5 year requirement + backlog/surplus +5% buffer		7,817	Supply in years
				50%
				2.50

The monitoring reports are also published on our website: <https://www.bathnes.gov.uk/policy-and-documents-library/annual-monitoring-reports>

Appendix 1 – see attachment.

Contact person	John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519
Background papers	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the gov.uk website: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics
Please contact the report author if you need to access this report in an alternative format	

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
25/02605/VAR	Great Barn Court Block TwoDane's LaneKeynshamBath And North East Somerset	Variation of conditions 4 (Archaeology Post Excavation and Publication), 10 (Construction Management Plan), 17 (Landscape) and 18 (Plans List) of application 24/04399/VAR (Variation of conditions 5 (Investigation and Risk Assessment), 8 (Materials - Submi	COMMDC	23-Oct-25	PERMIT	Aequus is a council owned company so it goes to committee.
25/02735/FUL	Bath Fire StationBathwick StreetBathwickBathBA2 6PU	Erection of fire station, offices and drill tower with revised access, car parking, landscaping and associated ancillary works following demolition of existing fire station, offices and drill tower	COMMDC	12-Dec-25	PERMIT	Application was referred for decision by Committee by Bathwick Ward Councillor Toby Simon
23/03559/LBA	Bath Recreation GroundPulteney MewsBathwickBathBath And North East SomersetBA2 4DS	Listed building consent for demolition of existing unlisted Clubhouse and its removal from curtilage listed wall structure (northern boundary), and construction of permanent North Stand within curtilage of listed wall structure and Presidents Lounge.	COMMDC	24-Nov-25	CON	Called in by Cllr Rigby. Significant proposal and is of sufficient widespread interest
23/03558/EFUL	Bath Recreation GroundPulteney MewsBathwickBathBath And North East SomersetBA2 4DS	Full planning application for demolition of existing Clubhouse, west stand retained wall, and ancillary structures. Removal of all existing temporary structures.Phased comprehensive redevelopment to provide a new sporting, cultural and leisure stadium wi	COMMDC	25-Nov-25	PERMIT	Called in by Cllr Rigby. Significant proposal and is of sufficient widespread interest
22/01370/FUL	Parcel 4234Combe Hay LaneCombe HayBathBath And North East Somerset	Creation of new allotments including associated facilities and landscaping, including access serving the allotments.	COMMDC	18-Dec-25	RF	Call-in request from Cllr. Fiona Gourley
25/02249/FUL	Parcel 0047Ferney Leaze LaneFarmboroughBathBath And North East Somerset	Erection of an agricultural livestock building, and new access and field track (Part-retrospective).	CHAIR	06-Oct-25	PERMIT	Chair referral delegated decision

25/03469/FUL	Beeches Old Midford Road Midford Bath Bath And North East Somerset BA2 7DQ	Erection of single and two-storey extensions to rear and side of house following demolition of conservatory. Proposed open air swimming pool and pool building.	CHAIR	05-Nov-25	PERMIT	Chair referral delegated decision
25/02306/FUL	Corbiere Woollard Lane Whitchurch Bristol Bath And North East Somerset BS14 0QR	Erection of front and side extensions, dormer windows and extension of roof height following demolition of existing garage.	CHAIR	05-Nov-25	PERMIT	Chair referral delegated decision
24/00219/FUL	Minerva House Lower Bristol Road Twerton Bath Bath And North East Somerset BA2 9ER	Change of use from offices (use class E) to 11 no. student cluster flats (Sui Generis) comprising 52 no. bedspaces, conversion of ground floor undercroft car park to habitable accommodation, external alterations, bin store and cycle parking outbuildings	CHAIR	11-Nov-25	PERMIT	Chair referral delegated decision
25/03193/VAR	19 Shakespeare Avenue Bear Flat Bath Bath And North East Somerset BA2 4RF	Variation of condition 2 of application 24/01132/FUL (Erection of single storey rear/side extension.) granted on 14/06/2024 (Retrospective)	CHAIR	13-Nov-25	PERMIT	Chair referral delegated decision
25/03663/OUT	Moret Hursley Hill Publow Bristol Bath And North East Somerset BS14 0QZ	Outline permission with some matters reserved for the erection of 1no. self build dwelling and associated parking.	CHAIR	14-Nov-25	PERMIT	Chair referral delegated decision
25/03611/FUL	The Granary Southstoke Lane South Stoke Bath Bath And North East Somerset	Change of use and operational development to provide extended office accommodation (Class E(g) within existing storage building.	CHAIR	17-Nov-25	PERMIT	Chair referral delegated decision

24/03182/FUL	Parcel 3573Bath HillWellowBathBath And North East Somerset	Formation of a new private vehicle track leading to the proposed dwelling from Bath Hill and the associated change of use of agricultural land to private residential.	CHAIR	18-Nov-25	RF	Chair referral delegated decision
25/02642/FUL	12 Severn WayKeynshamBath And North East SomersetBS31 1NU	Erection of 4 new bedroom self-build dwelling and associated works.	CHAIR	18-Nov-25	PERMIT	Chair referral delegated decision
24/03907/FUL	Land North Of 8 Old Pit TerraceCoombendRadstockBath And North East Somerset	Erection of one bedroom dwelling with car parking space following demolition of existing garage and outbuilding.	CHAIR	25-Nov-25	PERMIT	Chair referral delegated decision
23/02012/FUL	Unit 1-4Wells RoadLyncombeBathBath And North East Somerset	Demolition of existing commercial industrial building and development of a new 4-storey mixed-use building, comprising 2 no. commercial units (hybrid use class E and B8 uses) and residential co-living use (sui generis) including 77 no. studios with ancill	COMMDC	07-Nov-25	PERMIT	Chair referral to committee. Co-living is a new concept to Bath and North East Somerset with more in the pipeline and will be of much interest to the Committee. In addition, the concerns of the ward members regarding the scale of development and orientation, relative connectivity to the Wells Road and Lower Bristol Road, loss of trees and impact on heritage assets plus the World Heritage Site garners much for discussion. Please refer to the Planning Committee.
25/01551/FUL	54 Uplands RoadSaltfordBath And North East SomersetBS31 3HN	Erection of fence and shed (Retrospective)	COMMDC	23-Oct-25	PERMIT	Chair referral to committee. Given that this application appears to be quite controversial within the local neighbourhood, I believe it would be best for it to come to the committee for further discussion and review.
25/01499/FUL	56 Stonehouse LaneCombe DownBathBath And North East SomersetBA2 5DW	Erection of 6 no. 2-3 storey dwellings and associated access, drainage and hard/soft landscape works following demolition of 2 no existing houses	COMMDC	21-Nov-25	RF	Chair referral to committee. I appreciate the detailed information. After reviewing it, I believe this application would greatly benefit from further scrutiny at the committee level.

25/02948/FUL	Tregonhawke Packhorse Lane South Stoke Bath Bath And North East Somerset BA2 7DW	Widen existing balcony	COMMDC	23-Oct-25	PERMIT	Chair referral to committee. I've taken a closer look at the application and, although it appears straightforward at first glance, I believe there are some underlying objection issues that need further examination. Given the circumstances, I feel it would be prudent for the committee to review this matter. It's important to ensure that all aspects are thoroughly considered and any objections are addressed appropriately.
23/04552/FUL	Central Garage 93 Bristol Road Whitchurch Bristol Bath And North East Somerset BS14 0PS	Demolition of existing garage building and erection of a commercial unit (Use Class E) with two flats above (Use Class C3).	COMMDC	21-Nov-25	PERMIT	Chair referral to committee. This is a very well put together report. Considering the sensitive nature and location of this application, I believe it would be more appropriate for it to be reviewed by the committee via a site visit. Therefore, I am referring this to the committee.
25/01546/FUL	Leigh House Trust Health Centre 1 Wells Road Westfield Bath And North East Somerset BA3 3RN	Change of use from Office and Storage (E) to a large House of Multiple Occupancy (HMO) (sui generis)	COMMDC	21-Nov-25	PERMIT	Chair referral to committee. While it appears to be policy compliant and the two Radstock Councillors haven't called this in, Councillor Jackson's arguments have swayed me. Given the local sensitivities surrounding this issue, I believe it would be best to refer this to the committee for further consideration.
25/02732/FUL	Windyridge High Street Wellow Bath Bath And North East Somerset BA2 8QA	Erection of 3 bed dwelling on land to the front of Windyridge, associated landscape works, and modification to existing drive entrance.	COMMDC	23-Oct-25	PERMIT	Parish Council comment contrary to officer recommendation to refuse.