

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

[REDACTED]

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

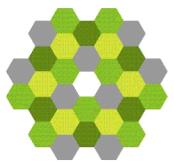
NOTE:-Copy filed under ST341450.

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.

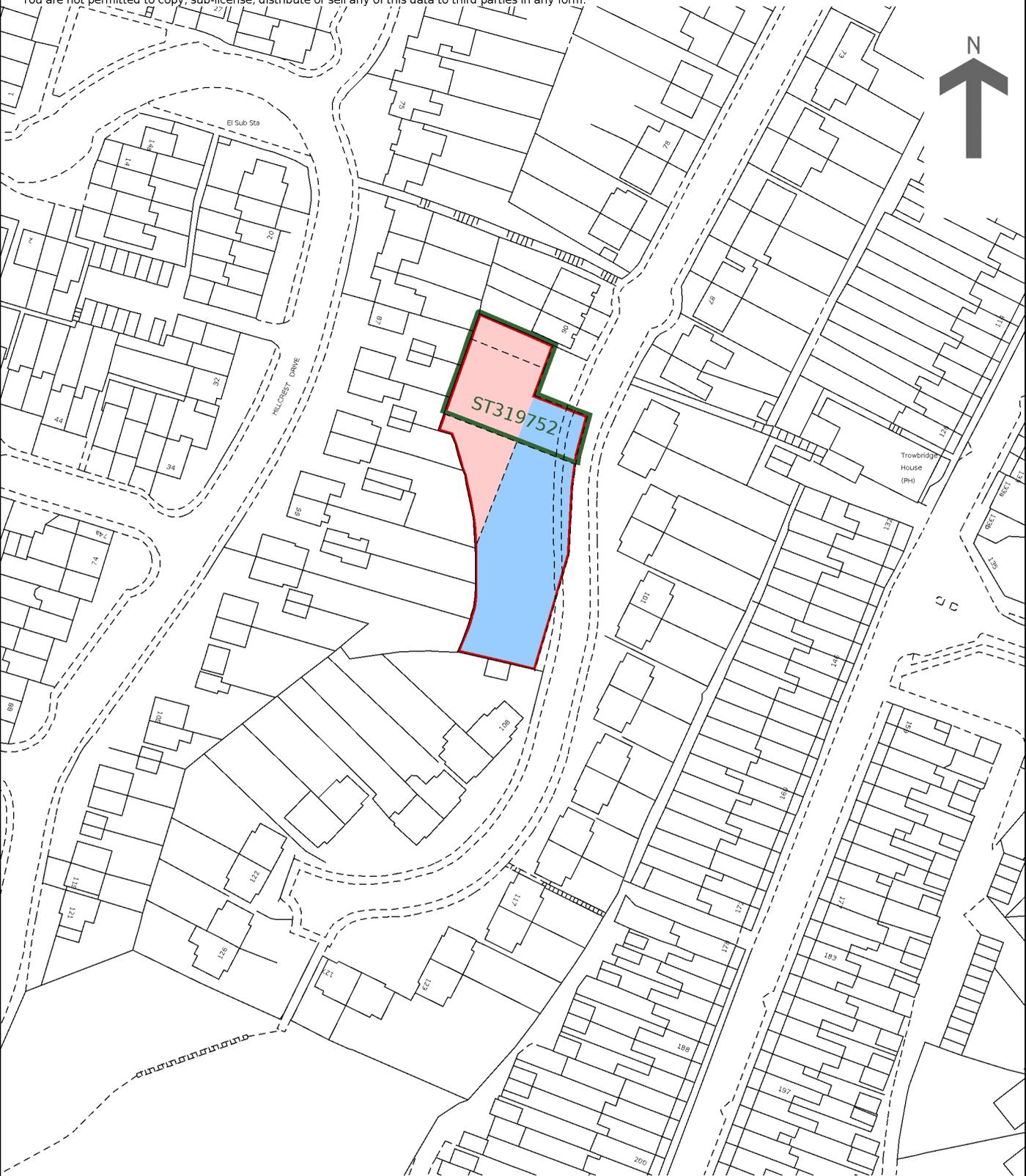
NOTE: Copy filed under ST353752.

HM Land Registry Current title plan

Title number **ST311686**
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.

This title is dealt with by HM Land Registry, Plymouth Office.



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

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

Class of Title: Title absolute

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

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.

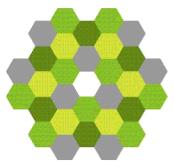
7 2023-12-15 A Transfer of the land in this title and other land dated 24 November 2023 made between (1) Kevin Thomas Swaine and Anne Patricia Swaine and (2) Aequus Developments Ltd contains covenants.

NOTE: Copy filed under AV224132.

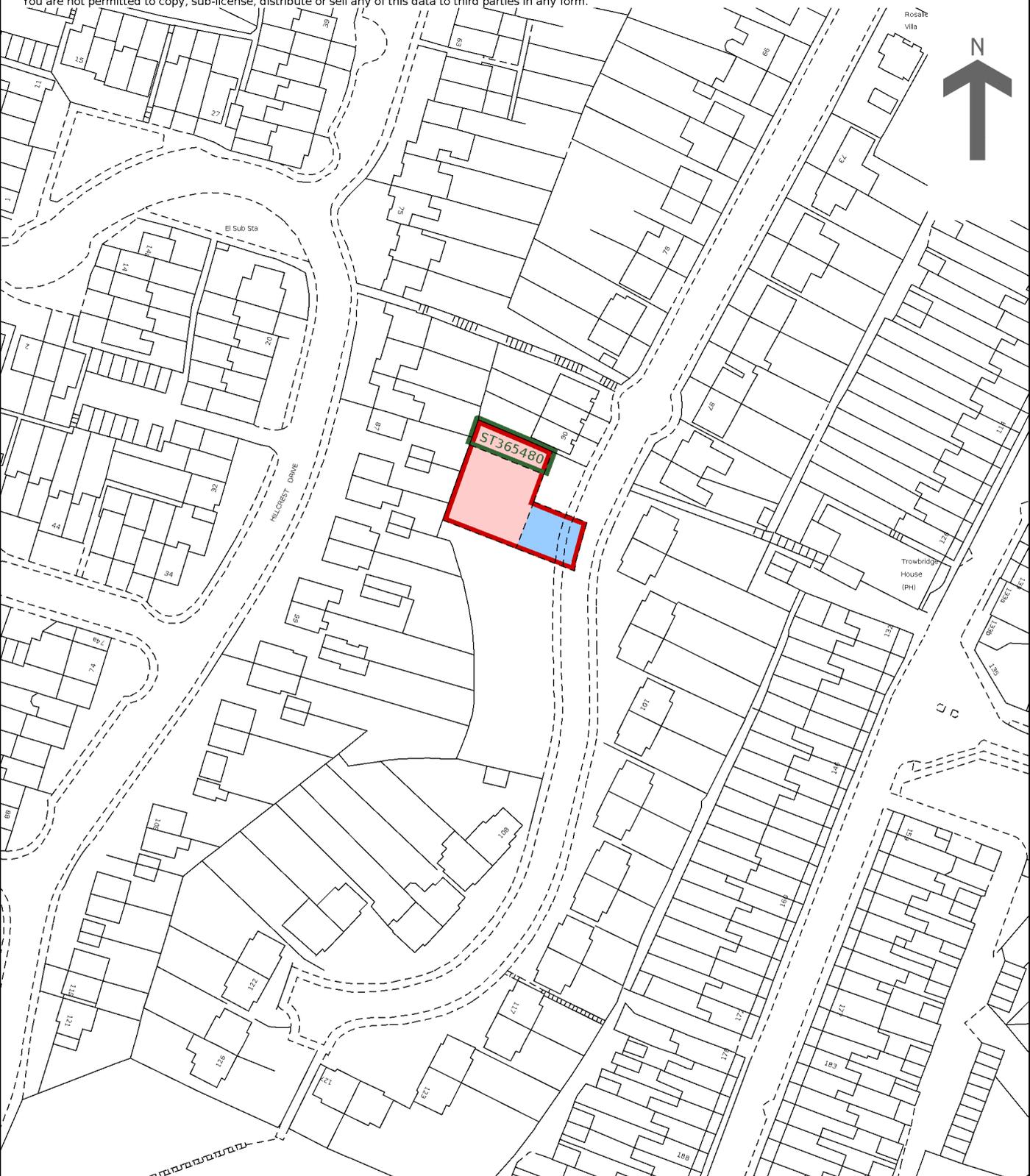
8 2023-12-15 REGISTERED CHARGE dated 6 December 2023 affecting also title AV224132.

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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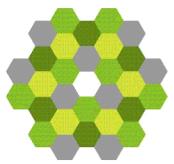
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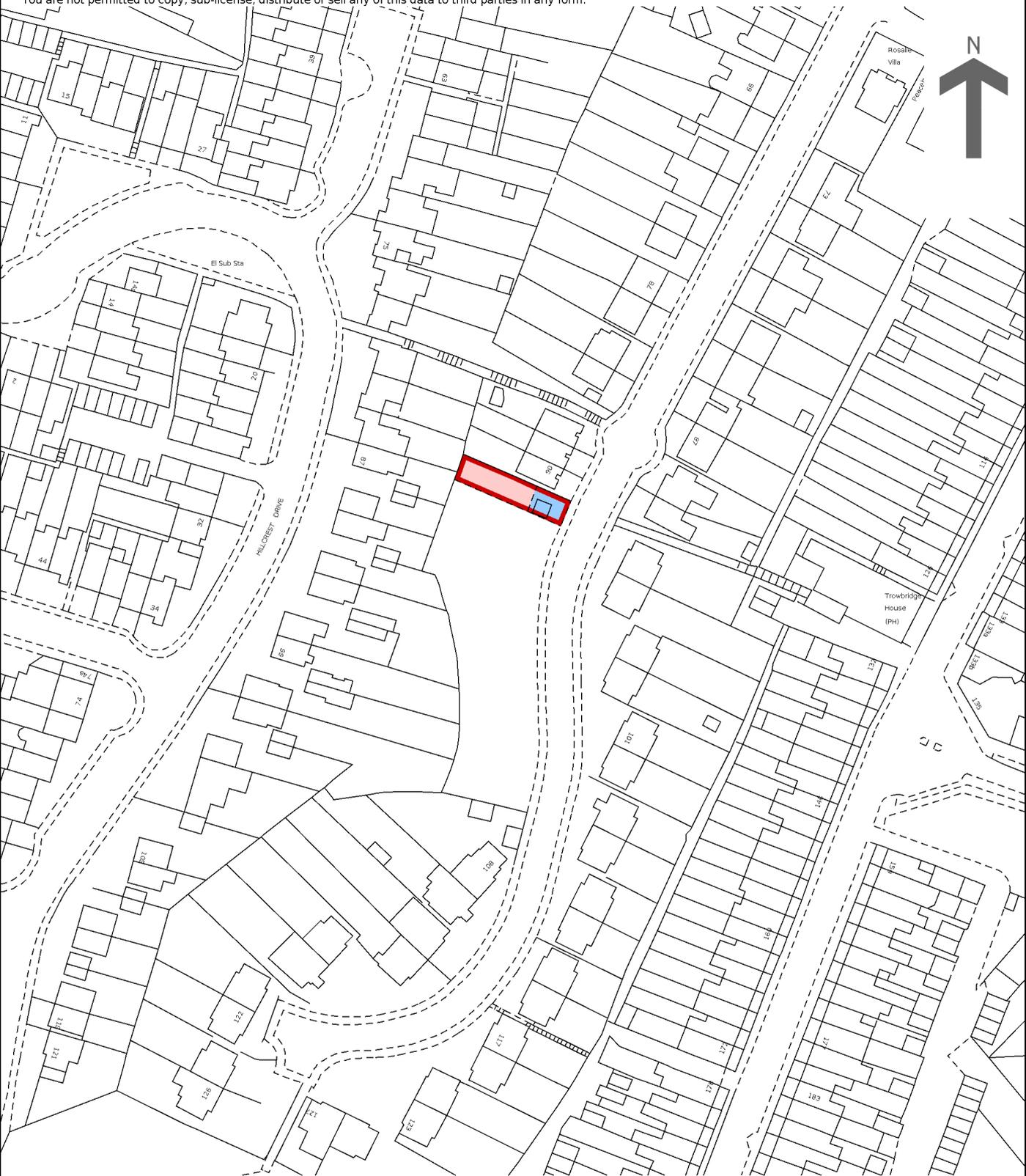
This title is dealt with by HM Land Registry, Plymouth Office.

HM Land Registry Current title plan

Title number **ST365480**
Ordnance Survey map reference **ST7363NW**
Scale **1:1250**
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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.

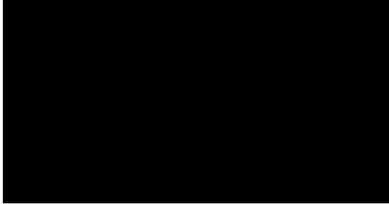
I am willing to provide, or have already supplied, the formal title severance correspondence together with the independent arboricultural report prepared by Tibbs Tree Surgeons Ltd, along with photographs and neighbour statements if required. These documents provide clear professional and factual support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

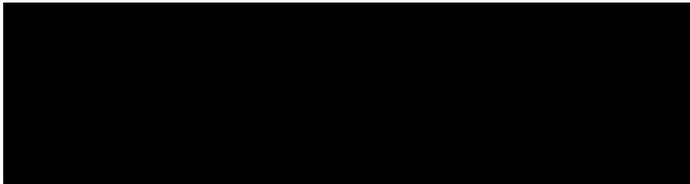
In light of the above, there is no universal communal woodland designation in law, no surviving estate wide shared amenity right, and no legal basis for treating the woodland as shared public amenity land when assessing planning or arboricultural matters. Any Tree Preservation Order or amenity assessment 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.