

North York Moors National Park Authority

05 February 2026 Planning Committee members update sheet

Item 4, Public minutes of the meeting held on Thursday 27 November 2025

Please note that Janet Waggott contacted the Authority to register her apologies after the meeting took place. Her apologies are to be included in the minutes of the meeting.

Item 6, Public question time

Lou Smith

My question for the NYMNP Authority Planning Committee, 5th Feb 2026 is below:

It is understood that much of the day to day planning matters are delegated by the Committee. I am also aware that on some occasions your Authority will consider it necessary to take legal action.

- a) What policies and procedures are followed in order for the Committee to make a decision on such actions?
- b) How does the Planning Committee know that the information supplied to them is accurate? Mistakes and misunderstandings do happen in life, what measures are in place to ensure corrections are seen by all decision makers?
- c) If a decision is to be taken in private, what steps are taken to ensure the recipient of the decided action is fairly and accurately represented?
- d) Once a decision in principle has been made, what procedures are in place to ensure that any action subsequently taken is both proportionate and appropriate, as well as being in the public interest and other applicable requirements? Who is responsible for ensuring that this takes place?
- e) What reporting, supervision, monitoring and processes are in place to ensure that the action being taken remains within the correct procedures (outlined in (d) above), for the duration?
- f) Who is responsible for supervising and ensuring that the officer(s) involved keep track of what is going on and that reviews take place at suitable intervals to ensure value for money, that the course of action is still considered appropriate and incorporates any changes or unexpected situations that might have occurred, and updating the Planning Committee in case the course of action needs to be reviewed, for example?
- g) What safeguards are in place to ensure that an officer involved in these actions stays on track, does not lose sight of the intended outcomes, is not biased, and does not have a "bee in their bonnet" about pursuing a particular case, given that these cases can evoke strong feelings and widely differing opinions among related parties.

Cathy Edwards

1. Over the past few days, the charity of which I am a volunteer has been contacted by concerned horse owners who are extremely anxious about your authority's interpretation of what constitutes "keeping" horses on land. Many of them are worried that feeding hay during snow or drought — as advised by vets and required under Animal Welfare Legislation — could result in enforcement action or at the very least a costly planning application. They wish to remain anonymous due to fear of repercussions. As a matter of urgency can the Authority send me some guidance on this so that we can help people.
2. Your authority's approach seems very variable, for example at this planning meeting we are pleased to see that you have granted planning permission for grazed horses to have stables in their field, yet in other cases you say the horses should not even be on the fields and need planning permission. No doubt those horses also get fed over winter, as do almost all horses in the UK. Could your authority perhaps produce policies on this matter without further delay, so that everyone is treated equally and fairly? It is not sufficient to simply state that each case is individual, surely your authority would better serve its statutory purposes by adopting a consistent and open approach, and publishing how it makes these decisions?

Ian Storey – Appeal Against Temporary Tree Preservation Order 2025/4

Please see following pages

Tree Preservation Order.

Ian Storey

Sun, 1 Feb at 12:27

To: Ian Storey

To the Committee due to sit on 5th February 2026.

As I write this submission in response to the Tree Officer's report in which he asks you to "...confirm Tree Preservation Order 2025/4 Glenhead, Orchard Lane, Goathland" I do so very conscious that I am asking you to digest an enormous volume of complicated material. However, I only received the report on 29th January 2026 - and then only in consequence of my asking for a copy. I was forwarded it by someone who I have never met but who alone has treated me with fairness and due process in his dealings, Richard Smith Esq., solicitor to the authority.

This is a matter of the very greatest concern to me. Your decision will, in my judgement, affect the saleability of this house and its market value. And that when such an order is **WHOLLY UNNECESSARY** and **ENTIRELY UNJUSTIFIED**. Why do I say that? It is wholly unnecessary because the entirety of my garden falls within the Goathland Conservation area. As a matter of law I am not even allowed to prune a tree let alone fell one, in my private, domestic garden. A Tree Preservation Order makes not a jot of difference to my criminal liability. And whilst you may think me old fashioned, I am someone who has an obsession with following rules to the letter. Since buying this house and moving into it on 29th September 2020 I have not so much as taken a pair of scissors to trim a twig. Does anyone seriously believe that if I were a rule breaker I would have involved NYMPA in the first place? In the summer months, I see people in this village regularly breaking the rules. Cutting back trees willy nilly. I know precisely where the conservation area extends to and I know they are committing a crime. But I hold back from speaking since I have been seriously threatened in the past when I have sought to even gently explain matters.

THAT IS WHY A TPO IS WHOLLY UNNECESSARY.

Why is it entirely unjustified?

Not a single tree in my garden can be seen from any vantage point to which the public have lawful access. I have never denied that if you trespass on the private road that is Orchard Lane or on the private land adjacent to it you can see the trees. But I cannot conceive that a government had lawbreakers (trespassers) in mind when implementing legislation about trees. **NONE - LITERALLY NOT ONE** - of the photographs which your Tree Officer has appended to his report show even a single tree in this garden which has had a temporary TPO imposed (which you are being asked to make permanent). I do not

know whether that is a genuine, honest mistake on his part or whether it is more sinister. I have been told I cannot meaningfully speak at your meeting on 5th February (please see a photocopied letter from someone called Judith Seaton effectively denying me a reasonable opportunity to explain things fully and honestly) and that is why I am having to commit everything to paper in the hope you will read it. At the end of this submission you will see photographs I have taken which set out the accurate and truthful position. I will also indicate where he has gone astray since one of his photographs does not even depict my garden and just depicts a clump of heavily leaved deciduous trees belonging to someone who lives a considerable distance from me, rather than being a near neighbour. It is **UTTERLY IMPOSSIBLE** to see either my house or any part of my garden from a public vantage point, save for the very end corner next to the white bungalow which is the holiday home of Mrs Nicola Sperrin, my next door neighbour and the author of the letter which your Tree Officer has finally seen fit to copy and append to his report. Those trees in the corner **TOTALLY BLOCK THE REST OF THE GARDEN AND THE HOUSE**. He hasn't seen fit to stick a TPO on any of those and yet they represent the sum total of what the public can see of my garden. (I add that I had asked that letter from Mrs Sperrin go on the website so others could see it and, if they felt moved by it , echo her sentiments in support of my position. But you will know I was given what I saw as no more than specious denials, refusing to allow that to happen. That is why I have included it in my bundle since I have not been sent it as part of his bundle. All I've had is an e-mail enclosing his report and his photographs).

THAT IS WHY A TPO IS ENTIRELY UNJUSTIFIED.

You will, I hope, be aware that Government guidance indicates that TPOs should not be considered unless :

- (a) the trees are visible to ordinary members of the public going about their lawful business; and / or
- (b) the individual against whom any order is made has evinced a tendency to breach rules and that accordingly, an order is necessary to protect trees which he / she might be tempted to fell or disfigure in some way.

I hope I have made it plain beyond a peradventure that neither applies in any way at all either to myself or my garden. If you look at my original grounds of appeal, you will see I have cited the government reference supporting my assertions.

You will be aware from other material which I have submitted that I considered the Tree Officer to be wholly unsuited to a public facing role. He was an unconscionable bully. Ordinary members of the public should not have to face being treated in that way, especially when they have shown themselves to be law abiding in asking for assistance. That is why I have made both stage 1 and stage 2 complaints. I have never done anything like this before. But it was an appalling experience and although behaviour in this country has declined to an alarming and sad level, I am simply not prepared to be

silenced by those who I sense see me as a nuisance. This is my land and my life.

I was denied having a witness to the majority of what passed between us. When I did have a witness for the last few minutes before he left, her response was : "objectionable does not come close." I actually thought I was done with bullying in 1978 when certain very violent pupils left my comprehensive school and I was allowed to get on with working for my 'A' levels without threats or hindrance. (I am sorry that I digress and I am anxious to keep matters relevant). But when I talk about not liking people calling at my house unannounced I can say at age 12 I witnessed the aftermath of a murder involving two pupils each two years senior in age to me; I witnessed what at the time I considered the gravest of violence : bottle smashed over another's face causing sickening injuries. In my own life I was robbed when a student in London sitting my barrister's exams. All of these things have left me particularly attuned to bad behaviour. But I have also been party to a matter which I try to forget and which my sensitivities prevent me from elaborating upon.

Anyway, after that momentary digression, please let me descend into the details of your Tree Officer's report.

There is no way of sugar coating it. At times it is just woefully inaccurate : at others I do question his honesty. Let me explain.

As we stood by the fallen spruce which both he and I have photographed, which fell from my garden in Feb. 2025, smashing my fence and ripping up the perimeter wire of my robotic lawnmower, I passed the general comment that owing to the storms I have to endure on a near weekly basis and having a garden which, were our weather to be warmer would grow rice, it was quite unforeseeable which tree might be next. That any tree which did fall might do unimaginable damage or cause serious injury or death. "Trees don't normally fall" came a facetiously expressed reply, as he stood next to a huge fallen spruce (which had NOT fallen in the storm he seeks to name). In January 2026 the Met. Office has sought to name three storms (storm Chandra being the latest). I sit listening to the forecast almost yelling at the TV "get yourself to this garden and experience life here." Weekly winds of ca. 60mph. Rain which would have had Noah worried. And sit in the house fearing that a tree at least twice its height could fall on you at any minute. Lie in bed during a "stormy night" (it doesn't have to be a named storm) frightened about what might happen. It is nothing short of cruelty to seek to place TPOs on pines a few feet from the house in a garden (1.1 acres in size) which is absolutely full of other trees. He has not sought to slap TPOs on any of those. Beautiful oaks and chestnuts. But in any event, I am not seeking to fell any trees at any time unless I am first given permission to do so. But it indicates that his decision to pick out the ONLY trees in the garden which are dangerously close to the house and slap TPOs on them, whilst leaving everything else as subject to conservation area status impresses as little short of malicious. He has not photographed one single tree which has a TPO attached to it.

However, I must return to his report since I have made a serious accusation as to his bona fides and I never do that lightly.

When belittling me, he sought to give the impression that he was the all knowing expert with his qualifications and I was little short of an idiot (who didn't even know the law of manslaughter, despite my having both prosecuted and defended in countless such cases!).

He cites in his report (para 5.2) that he has "....a degree in arboriculture from the University of Lancaster." Lancaster is a well respected UK university. In the gold standard of "The World's best universities" viz. The Times Higher Education ratings, Lancaster manages (just) to scrape into the world's top 200. It is rated 184th. After that, it stops numbering them by rank other than to put them in large groupings (eg 1000-1200). My inquiries reveal he did not attend Lancaster University at all. He attended what used to be called Preston Polytechnic, an infinitely weaker institution which does indeed get into the 1000-1200 banding.

I learned a long time ago in my work, to check asserted credentials since sadly these days, some think nothing of lying believing they will never be caught out. I knew it to be particularly important when in both my stage 1. and stage 2. complaints I was effectively fobbed off with the response "recollections differ." And anyway, I felt especially aggrieved having been treated as a near imbecile whilst he was the all knowing expert. In other words, I was not really believed in my complaint that he had behaved deplorably. Well, I have never lied, about my qualifications or otherwise. I am of the generation where a former head of the Chancery Division of the High Court once said "I would as soon trust a barrister as a bishop." Justice can never be done if people lie. Telling the truth is in my DNA.

That claim (and please refer to the first photograph annexed to this submission which clearly shows where he went to study) has three significant consequences. Firstly, if he is prepared to lie about that, what else might he be prepared to lie about? Secondly, I know we sadly live in a society where many think the law does not apply to them. But I happen to think it should apply equally to one and all. What he has done in misrepresenting his qualifications is a criminal offence. I will be writing to Tom Hind Esq. CEO of NYMPA about this, since if he has stated on a cv. in applying for his job that he attended a far more prestigious institution than the one he did, then the offence is even further aggravated. The offence falls squarely under section 2 of the Fraud Act 2006 ("fraud by false representation"). It carries a maximum sentence of 10 years imprisonment. The offence replaced what used to be called "obtaining a pecuniary advantage by deception," contrary to s.16 (1) (c) Theft Act 1968, but it was widened to embrace people like me, who can now pray in aid the sub-clause which categorises it as an offence if your act or word "causes loss or risk of loss to another." I consider that to be exactly what he is doing, since trees in a conservation order (although you cannot touch them without permission) do not attract the same opprobrium as ones that have a TPO on them. I ask rhetorically : how can you not know which institution you attended? He claims to have been there for 5 years. It's akin to someone claiming a degree from Oxford or Harvard when they went to Scarborough Technical College.

The third significance is this. Having belittled me by saying he knew about trees and I did not, he gave me permission to fell a large spruce which towered over my neighbour's

house and oil tank. He has taken a photograph of it from within my Gardena d circled it in red. In his report, the self asserted expert has described that tree as (para.5.4) "in a reasonable condition, though the one beside [Mrs Sperrin's] oil tank looked a little thin on the crown. There was nothing to indicate that [it was] at an increased risk of failure...."

At a cost of several thousand pounds, I engaged the services of a fully registered and qualified arboriculturist to fell all the trees which, SUBSEQUENT rather than prior to my original complaint about his conduct he gave me permission to fell. (He had left my property saying I could not remove any, not even that spruce or the dead Ash Dieback which he said had leaves on them and so were not dead). I only got the go ahead to fell any tree following my complaint.

Please look at the second photograph annexed to this submission. That is the very spruce which my arboriculturist felled. He came across to me immediately and spoke in terms that it was as well I called him "since otherwise your neighbour may not have had a house left."

Now, all I am saying is that just by looking at a tree you cannot know with even the remotest of certainty what is going on inside it. I am not saying for a moment that I could have known that rot and decay went right up its trunk. One simply cannot be certain.....whether one is an "expert" or an idiot. All I am saying is that to call yourself an "expert" is entirely fallacious. I have never sought to arrogate such a status to myself. But neither do I believe I'm an idiot with no knowledge of trees.

That deals with the first matter of his report. I firmly believe he is misrepresenting himself. That is why I began this whole section with the words "There is no way of sugar coating it. At times {his report} is just woefully inaccurate : at others I do question his honesty."

I am sorry to detain you but I cannot overlook the hopeless inaccuracies, half-truths and misrepresentations in the rest of his report. Please bear with me.

I will seek to deal with each clause and sub-clause of his report so you may more easily follow my contention (viz. that you should decline to elevate the temporary TPOs into permanent ones).

1.1 As I have stated in the preceding para. I ask you simply to leave all my trees as subject to conservation area status. I am well aware of my legal responsibilities. I have followed everything to the letter and spirit of the law and have no intention at age 63 of suddenly becoming a lawbreaker. That way I cannot and will not touch them without prior permission. I have never done so in the near five and a half years I have lived here. But at least that way I will not own a house (my life's savings) with reduced saleability potential and reduced value. I ask only to be left in peace without officious bullies trying to dictate my life.

2.1 No real comment. But please don't be seduced by his use of the expression "not confirm and allow protection of the trees to lapse." NOTHING WILL LAPSE APART FROM

THE TPOs. The trees will continue with the fullest protection being as they are in a conservation area. And whilst ever I breathe they will not be touched. Any decision you make to remove the TPOs will not IN ANY WAY fail to protect those or ANY trees in my garden. But why does he NEVER MENTION IN HIS REPORT THAT THEY ARE ALL IN A CONSERVATION AREA? I say deferentially that if I had not told you then (unless your local knowledge was extensive) you could not possibly have known that utterly vital fact.

2.2 His statement is ENTIRELY INACCURATE and I don't know why he keeps repeating it other than to wilfully mislead. You cannot see my house or garden from Beck Hole Road, let alone any tree that has a TPO on it. I have enclosed a selection of photographs having walked literally inch by inch along BeckHole Road. Please, I urge you, (since this absolutely concerns the point I made earlier in this submission that government guidance indicates TPO orders are not to be made where trees cannot be seen) study the photographs - his and mine - of Beckhole Road. Both my house and my garden are totally invisible from that location (a place where the general public are allowed to pass and re-pass). THEY CAN ONLY BE SEEN IF YOU COMMIT A TRESPASS. I absolutely defy you to spot either my house or garden from the public road. My house and garden are in a dip on Orchard Lane. They are where the road curves to the left. The house is set well back from the road. You can see neither house or garden from any public vantage point.

2.3 That is rather a loaded expression. All I wanted was some help with trees I considered dangerous and to reassure my widowed neighbour who had told me countless times that she would lie in bed fearing a tree(s) collapsing. I was not planning on a "Nightmare on Elm Street" with me as Freddy Kruger and the trees as my victims. I don't know where I'd have accessed a chain saw from anyway, even if I'd been consumed by a fit of insanity!

2.4 No comment.

2.5 You are seized of this matter because, having made what is called a Stage 2 complaint, I received an email from Tom Hind Esq. stating the following (so when you read later in the Tree Officer's report that he gave me all assistance about appealing the order I can say he did nothing of the sort. Tom Hind Esq. agreed with me) He said this in his e-mail to me : "I am also using my discretion as CEO to refer this matter to {the committee}. I note that Mr McWhinnie's e-mail to you of 12th August 2025 refers to you being sent "guidance on how to appeal." I support your view that we have not provided sufficient clarity on the process by which TPOs are made, confirmed and may be objected to.....I therefore find this part of your complaint to be justified."

In truth I was never sent ANY guidance : and just because I happen to be a barrister does not mean I know every facet of every law ever to hit the statute book. As I have pointed out to Mr Hind in an e-mail (although without ever receiving a response, I can tell you that the Planning Inspectorate do not agree with either his or your Tree Officer's contention as to the law. I cannot work it out for myself. And that coming from someone who spent a lifetime poring over statutes.

You know that I consider if Parliament has passed this legislation in a way Mr Hind thinks

then they have driven a coach and horses through the centuries old dictum "nemo iudex in sua causa." No one shall be a Judge in his own cause. Does the Tree Officer get the right to address you personally and to pick the day on which this matter is heard? To do things at literally the 11th hour and for me to have to respond at breakneck speed? Yet I do not get the same treatment. It seems desperately unfair and if you ignore everything else I have set out, then as reasonable people, living in England with its sense of fair play, I venture you should quash the TPOs and leave the matter as a status quo ante. with the trees protected by their conservation status.

3.1 It was not storm Eowyn at all. It was one of the countless storms we get here. I have enclosed a photograph of the tree when first it fell and of the state my garden gets into every winter. It only just missed Orchard Lane. A very few people who live along its length could have been killed / seriously injured just by seeing a huge falling tree. The tree looks smaller in your Tree Officer's photograph than it actually was. He attended ca. 6 months after the event. I had invited villagers to come to take what they would for their log burners and by the time of his photo' they had cannibalised it.

He is now just making things up. I quote : "Another smaller spruce had fallen...the previous year." That so called "smaller spruce" fell in February 2024. I had to call in an emergency tree surgeon. Within the week (having initially secured it with guide ropes) he had felled it and removed every last trace from my land. I had been exceptionally fortunate in that its fall had been broken by a tree in the garden of Stewart Bates Esq. who lives at Oak Tree cottage, a large house at the very top of Orchard Lane and quite a way from me. He alone has a larger garden than I have. How a Tree Officer who had never seen the tree before it fell; never saw it after it fell (since he didn't call unannounced at my house until a full 18 months later when the tree was well gone) can just put in a report "a smaller spruce" is an utter mystery to me. There wasn't any real remains of a stump so he could not even have seen that to speculate over the size of the tree. And by the time he turned up in August 2025 I had re-wilded that part of the garden in the hope of encouraging hedgehogs / voles etc to make it their home. Untruths like that should not get into reports to be seen by people (the committee) making a critically important decision.

When I go through his photographs I will point out whose garden belongs to whom, since he tries to attribute to my garden trees that are not even in it!

It is really very disingenuous to say "we had no objection to the removal of six spruces." He left my land on the day of his visit telling me (in the presence of a witness, since she had arrived home just before he left) that I could do nothing. Not even with the Ash Dieback because "they have leaves, can't you see? That means they are not dead." I then made a complaint and.....lo and behold, I was told I could fell 12 trees! But he then stuck a TPO on the ones just next to my house! Make of all that what you will.

4.3 My neighbour's letter which was never allowed to be put on the portal, despite my repeated requests. I hope the committee will understand that in a village like this which comprises almost exclusively elderly residents (some really very old) many do not have

the confidence of putting pen to paper. But if they see a neighbour (Mrs Sperrin)heaving a huge sigh of relief that at last someone (myself) is going to ask for permission to remove trees that cause her to have sleepless nights, they may well act. How fair is it that I wasn't even allowed to have Mrs Sperrin's letter added to the portal?

5.1 This really goes to the absolute kernel of the TPOs. The government says , in essence "don't impose them if no one can see them." How on earth can trees which can be seen by absolutely no one bar lawbreakers be ".....a prominent part of the village treescape?" That is an utter non sequitur. If no one can see them they can hardly be any part of a treescape, let alone a prominent part. But in any event, please do not think I am waiting with bated breath to take a chainsaw (which I don't own)if you agree with me and remove the TPOs. I would still be committing a criminal offence because they are in a conservation area. And I do not commit criminal offences.

5.2 I have dealt with the lies - yes lies - in this paragraph regarding his qualifications.

I will be sending you photographs, all of which I shall annotate as your Tree Officer has. Equally, I will be commenting on his annotations since he's even given you the wrong garden to look at! Please do read my annotations on the rear of each photo' I am enclosing since I do feel you will be helped by them.

5.4 I have commented on this para. earlier in my submission so I shall not repeat.

5.5 This is so offensive as to be insulting. I said when the Tree Officer visited that if trees were to fall and cause damage (total spent on the two that fell within the year Feb.2024 - Feb. 2025 over £1,500) would the NYMPA reimburse me the costs incurred? He laughed sarcastically and repeatedly. I got a quotation from a so called arboriculturist which came as nothing more than a quote, in a brief description report replete with spelling and grammatical errors (which I am afraid does little to reassure me). To merely draw a picture of where trees were in my garden, he wanted over £1400! I know where my trees are! Anything else he did.....cost about £200 per submission to yourselves etc. Is the NYMPA entirely devoid of any semblance of concern or humanity? I do not have money to do that whenever the fancy might suit a Tree Officer. It reminds me that when I took him 'round the garden he kept repeating "get an arb's report, get an arb's report." It is all so deeply offensive.

5.4 (sic) It must mean 5.6. Yet again, an authority which I had believed was there to help honest members of the public has failed to send me any document about TPOs. (Were I not by training a lawyer, then heaven knows how an "ordinary".....I use that term in a wholly non pejorative sense.....member of the public would be able to make any sense of this. I have not said I want to fell any trees. I like trees. I just do not want to be dictated to by someone who is a bully (and having spent a lifetime dealing with murderers / child rapists / human traffickers, I can spot a bully). Equally, as someone who is sometimes laughed at over his obsession with complying with the law, I don't much care to be lectured by someone who commits offences contrary to the 2006 Fraud Act.

I WILL SAY THIS, WITHOUT ANY FEAR OF CONTRADICTION. GOVERNMENT GUIDANCE MAKES IT ABSOLUTELY CLEAR THAT A TPO SHOULD NOT BE IMPOSED AGAINST THE LAND OF ANYONE WHERE THAT PERSON HAS NEVER SHOWN THE SLIGHTEST INCLINATION TO BE DISOBEDIENT TO THE LAW (felling trees surreptitiously etc.) AND ESPECIALLY SO WHERE NO MEMBER OF THE PUBLIC ACTING LAWFULLY (and not trespassing) CAN EVER SEE ANY PART OF MY GARDEN OR THE TREES WITHIN IT.

IT IS REMARKABLE - ASTONISHING - THAT AT NO POINT AT ALL IN HIS REPORT IS THERE A SINGLE MENTION OF ALL OF MY TREES BEING IN A CONSERVATION AREA, MEANING IT IS JUST AS MUCH A CRIMINAL OFFENCE FOR ME TO TOUCH THEM AS IT WOULD BE WERE THEY TO BE SUBJECT TO A TPO. I WILL BE ENCLOSING PHOTOGRAPHS OF THE TREES THAT HAVE A TEMPORARY TPO CURRENTLY ATTACHED TO SHOW YOU THAT IN A GARDEN OF 1.1 ACRES, LITERALLY PEPPERED WITH PINES; HORSE CHESTNUT; OAK ETC. HE HAS PICKED THOSE A FEW FEET FROM THE HOUSE. I AM LEFT FEELING HE HAS RESORTED TO VINDICTIVENESS, SIMPLY BECAUSE HE BEHAVED DEPLORABLY WHEN HE TURNED UP IN AUGUST 2025 ENTIRELY UNANNOUNCED, UNINVITED AND AT THE HOME OF SOMEONE WHO, OWING TO AN EXPERIENCE IN THE PAST IS FRIGHTENED BY TOTAL STRANGERS DOING THAT. I ONLY BOUGHT THE HOUSE TO TRY AND GET AWAY FROM THE WORLD. I THEN HAD THE TEMERITY TO MAKE A COMPLAINT AGAINST HIM AND THIS IS HOW HE RESPONDS.

I SAY WITH THE UTMOST RESPECT TO ALL COMMITTEE MEMBERS, THAT HAD ANY ONE OF YOU NOT KNOWN THE HOUSE WAS IN A CONSERVATION AREA AND THAT IT IS A CRIMINAL OFFENCE TO TOUCH TREES WITHOUT THE RELEVANT AUTHORITY'S (NYMNP in my case) PERMISSION YOU COULD HAVE BEEN SERIOUSLY MISLED BY HIS GLARING OMISSION. IN MY PROFESSION YOU WOULD HAVE FACED CALLS TO BE DISBARRED FOR SUCH A MISLEADING REPORT. In this country we are brought up to tell the truth THE WHOLE TRUTH and not to just cherry pick to suit your cause.

I urge in these circumstances that the committee declines to make the TPOs permanent, but rather that it leaves me in the position I have always been in (viz. in a conservation area with the prospect of penal sanctions should I resort to crime for the first time in my life at age 63).

Background documents to the Tree Officer's report.

He chose to seriously attenuate my "s. 211 notification" when my application was posted on the portal. That is why I have copied it in full so that you will not be misled by omissions. It comprehensively sets out my reasons for the application. When I asked that my full submission should be copied and available for others to read, I was effectively told to shut up.

Mrs Sperrin's letter was never put on the portal. That he has finally decided to copy it so you might read it is a remarkable volte face. But I have copied it anyway.

I Have NEVER been accorded sight of any document about how one objects to a TPO. THAT IS THE VERY REASON MR TOM HIND CEO OF NYMPA has insisted this case go before your committee. I repeat, had I not been trained in law and not spent a lifetime practising as a barrister I would have drowned in a sea of ignorance. The one person at NYMPA who seems concerned that my rights should not be ridden over roughshod is the authority's solicitor, Mr Richard Smith.

The photographs annexed to the Tree Officer's report:

They are not numbered on the email that has been sent to me. They are correctly taken as they are in leaf. I shall do my very best to assist you in understanding the topography of Orchard Lane.

1. Please look at the photograph entitled "View from Beckhole Road."

Can you see the very large oak tree on the private land outside the White House? That White House is owned by Mr and Mrs Stewart Bates. They are at the top of the road and I am at the bottom, where the road dips. He has a vast garden. It runs behind his house and continues behind those semi-detached grey stone properties called "Mallyan Lodge" and Helena. It continues still and runs behind Mrs Sperrin's house (Plum Tree cottage) for the full length of that property also. Mallyan Lodge is a second home and barely occupied. Helena is used as an Air b and b.

Can you see any part of my house at all from that only public vantage point? You cannot. I am right at the bottom in a dip where the road swings to the left. YOU CAN SEE IN THE RED CIRCLE THE SYCAMORE WHICH IS THE EDGE OF MY GARDEN NEXT TO THE PROPERTY OF MRS SPERRIN. IT UTTERLY OBSCURES ALL OF MY HOUSE AND GARDEN WHICH ARE MADE ADDITIONALLY PRIVATE BY BEING SET BACK FROM THE PRIVATE ROAD (Orchard Lane). You only get to see my house and garden if you break the law and trespass.

2. Photograph entitled "View from main road through village." The tree Officer has circled a clump of trees. They have nothing whatsoever to do with me. They are not even in my garden! Those trees belong to and are in the garden of Mr Stewart Bates. His garden is vast and extends beyond the back of his house, beyond the back of Mallyan Lodge; beyond the back of Helena and behind the back of Plum Tree cottage (my neighbour, Mrs Nicola Sperrin). At the boundary of Mr Stewart Bates's house where it meets the edge of my garden, he has a line of trees ALL ON HIS SIDE OF THE FENCE blocking views of his garden into mine and mine into his. This photograph is an utter irrelevance. It has been included either through ignorance or deceit. Those trees have NOTHING TO DO WITH ME. (in any event they are very largely deciduous so they really are utterly irrelevant).

3. Photograph headed "Looking west to T1-4." I am at a complete loss. At the top of the

photo' where it says "tree subject to TPO 2025/4" and then shows a spruce fallen in February ; a pine ; an oak and a spruce over oil tank. Do you have that photo' ? NONE OF THOSE TREES HAVE HAD A TPO PUT ON THEM. THEY ARE ALL AT THE OPPOSITE SIDE OF MY GARDEN TO MY HOUSE. THEY MUST BE AT LEAST 40 METRES FROM MY HOUSE (and I venture that would be a conservative estimate). I will photograph the only trees that have had a TPO put on them which are the ones tucked a few feet from the side of my house (save for a single Poplar tree which is at the total opposite side of my garden still, where my garden meets a neighbour on the other side). That Poplar is damaging the plinth of a single skinned heating oil storage tank. I asked for guidance, lest the tank burst and contaminant flow into the water table. His response? Stick a TPO on it!

The spruce over the oil tank next to the white dormer bungalow of Mrs Sperrin is the spruce I was eventually allowed to fell and which he described as "in reasonable condition" (para. 5.4).

That's the one my arboriculturist who felled it said was "utterly rotten to the core and ready to fall." I have photographed it. You will be able to see it in the photos I am supplying. Judge for yourself who was right.

But NONE OF THE TREES IN THAT PHOTO ARE THE SUBJECT OF THE TPO. WHAT IT IS DOING IN THE BUNDLE IS ANYONE'S GUESS. All that photo does is to show you the sycamore which is in the corner of my garden where it meets Mrs Sperrin's property and which you have seen in photograph 1. supra. It completely blocks a view of my garden and house from Beckhole Road.

I will annex photographs to this, my submission. I will have annotated them on the rear so you will more easily understand what has a TPO on it, how close they are to my house, the damage being done to the plinth on which my oil tank stands etc.

The Tree Officer has not taken a single photograph of a single tree which is subject to the TPO! And he's taken a photo' of someone else's garden from a very long way away, depicting some of that person's trees!

You have a Tree Officer's report which makes no mention of the conservation area and the crimes I'd commit if I so much as touched a tree without permission.

A report which discloses the author to have committed a crime.

A report which does not depict a single photo' subject to a TPO.

And a report which wholly erroneously says my trees can be seen from Beckhole Road. THEY CANNOT.

AND A REPORT WHICH DOES NOT EVEN ATTEMPT TO ADDRESS THE TWO VITAL ISSUES, viz. CAN ANY MEMBER OF THE PUBLIC SEE MY TREES, ABSENT THEIR TRESPASSING ONTO PRIVATE LAND ? (The answer to which is NO).

AND, HAS THE PERSON YOU ARE TRYING TO SUBJECT TO A TPO EVER EVINCED AN INTENTION TO DISOBEY RULES (The answer to which is again NO).

FOR ALL OF THOSE REASONS, I URGE YOU NOT TO MAKE THE TPO PERMANENT.

He is utterly wrong if he means to suggest in the opening stanza of his report (para. 2.1) that by doing so you will [not allow protection of the trees.] They have the comprehensive status and protection of trees in a conservation area, meaning no one must touch them (and rest assured, whilst I am breathing, they will not be touched). Whether this is just genuine ignorance on his part or he is seeking to mislead and distort the true legal position I hardly wish to contemplate.

I finally apologise for the length of this response. I only got the Tree Officer's report late on 29th January 2026, despite the fact my appeal went in in September 2025. Even then I had to ask for it since I had never had the courtesy of it being sent as a matter of routine given I was going to have to respond to it. That is not a way to behave if you are claiming to be fair. He has had months in which to present a report and, moreover, the matter is compounded by his unilaterally moving the date from November 27th 2025 - a date I was expressly told by Tom Hind CEO would be the date of the hearing, a date when I had moved other commitments just so I could be at the committee meeting - to 5th February 2026. Moving the date from a time I could attend to a date I cannot (5/2/2026). That said, I have been told I would not have received permission to speak in any meaningful way so I suppose any attendance would have been superfluous. In my work, if I had delayed in such an unconscionable way and HAD NOT BOTHERED EVEN TO TELL THE ONE AFFECTED BY THE ORDER that the date had been moved (I only found out when on 25th November I asked "where please is the report?") then I would have had costs imposed against me personally as a barrister for treating the other side with complete disdain and contempt. I have had to take certain additional photographs in consequence of seeing the misleading ones in his report. I have had to wade through his report replete as it is with hopelessly misleading statements. And I have had to do all of that over the space of a weekend just to ensure you have time to read it. I am having to post this at significant cost (over £10) just to ensure it will get to NYMPA by 1pm the next day, so that it can be copied, thus giving you time to read my submissions.

As reasonable people, I ask you, "do you think that is fair?" So please do not be critical of the lateness of my submission. I have worked like a Trojan to get this submission to you in advance of your meeting.

PLEASE DECLINE TO MAKE THE TEMPORARY TPOs PERMANENT.

IAN STOREY LL.B (Hons); Barrister.

PHOTO 1.

09:18 Fri 30 Jan



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Money - Financial & Business News, Stocks | Daily Mail Online

Northgate DMS :: Docu

Update to our terms and data use
As of November 3, 2025, we are using some of your LinkedIn data to improve the content-generating AI that enhances your experience, unless you opt out in your settings. We also updated our terms. See what's new and how to manage your data. [Learn more](#)

Nathan McWhinnie
Community Tree Officer at Sheffield City Council
York, England, United Kingdom · [Contact info](#)
6 connections

[Connect](#) [Message](#) [More](#)

Activity
8 followers
Nathan hasn't posted yet
Recent posts Nathan shares will be displayed here.
[Show all activity](#) →

Experience

- Community Tree Officer**
Sheffield City Council
- Sheffield City Council**
18 yrs 9 mos
Greater Sheffield Area
 - Community Tree Officer**
2014 - Present · 12 yrs 1 mo
 - Tree Inspection Officer**
Oct 2008 - 2014 · 5 yrs 4 mos
 - Woodland Project Officer**
Mar 2013 - Sep 2013 · 7 mos
- [Show all 4 experiences](#) →
- Tree surgeon**
Arborewise Tree Surgery
Jun 2006 - May 2007 · 1 yr
York

Education

- University of Lancashire**
Bachelor's Degree, Arboriculture
2007 - 2012
Grade: 2:1

Right sidebar:

- George Addison** · 3rd+
Technology Manager with UK Civil Service
[Connect](#)
- Steve Salmon** · 3rd+
General Management and technology strategy
[Connect](#)
- Steve Salmon** · 3rd+
Experienced software development manager and...
[Connect](#)
- Steve Salmon** · 3rd+
Director at Rothian Ltd
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29min
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[Messaging](#) ... [Share](#) [More](#)

in Nathan McWhinnie | LinkedIn

PHOTO 1.

I have circled in red where he claims to have studied in his Linked In profile.

Moreover, he claims to have been there for 5 years (2007-2012) before being awarded his "Bachelor's degree in Arboriculture."

How you can be at one institution for 5 years and then claim to have been at another is both delusional and criminal (s.2 Fraud Act 2006).

PHOTO 2.



PHOTO 2.

This was the state of the tree depicted in the Tree Officer's photo of "Spruce over oil tank" and referred to by him in para. 5.4 of his report as being "in reasonable condition ... a little thin on the crown."

The condition of its base went all the way up its trunk.

My arboriculturist adopted my description of "it is as dead as a dodo!"

PHOTO 3.



PHOTO 3.

View of Orchard Lane. I deliberately stood at the very furthest point of the public road (Bedchamber Road) to give the maximum chance of seeing my house and garden by a member of the public. You cannot see my house or any of my garden. You can see Stewart Bates's house with the large oak tree outside it. You can see the 2^x semis (Mallyan Lodge and Helena) but you cannot see Mrs Sperrin's house or mine.

The white gable end of a property is a property well below my house in an area called "The Orchards". The pines you can see right at the bottom of the 'photo' are not in my garden.

They are in the garden of no. 1. The orchards (a 3rd house owned by the owner, which is currently undergoing complete renovation. He has 2^x houses in Nottingham).

PHOTO 3.4.



PHOTO 3.4c

This is the "fallen spruce" as depicted in the Tree Officer's report. It was the second one to fall inside 12 months (Feb. '24 → Feb '25). It is very close in my garden to the trees he's put TPos on.

It depicts the state of the ground. Because my house is in a dip it suffers dreadfully from water cascading down higher up in Groatland.

I would ask you to observe:

(a) the volume of water (and it was worse when the tree first fell); and

(b) you may be able to make out an orange wire. That is the wire for my robotic lawnmower. It was ripped in 2x places and the

fence was smashed. You'll see how close it was to the road "Orchard Lane."

I was fearful for the safety of others and this is what caused me to contact NYMUP in the first place, asking for assistance.

PHOTO ~~4~~.5.



PHOTO ~~4~~.5.

These are 4 trees which carry the temporary TPO. They are too tall to get in shot but you can easily see: looking from the right, (a) a Hornbeam; (b); (c); (d) 3 x Scots pines. You may be able to make out how close they are to my house, the very opposite side of the garden to where the Tree Officer has decided to photograph.

NO ONE CAN SEE THEM.

They are at least twice the height of the house and the one on the far left (pine) tilts at an angle of ca. 25° towards the house, having been affected by s/e winds.

You will see one of my numerous ditches that have been cut by my predecessors in title to try and take some of the water away from a garden which is sodden for ca. 5 months of the year.

Photo 6.



Photo 6.

This photograph depicts 3 x more of the trees with the temporary TPO. In the foreground, a pine; just behind it 2 x silver birch. All are tall and lean towards the house. If they fell, the birch x2 would certainly hit the house. I doubt the pine would. But it may — and it would certainly smash the wall which surrounds my very large "patio."

None photographed by the Tree Officer in his report.

Two of the pine and the Hornbeam which feature in photo 4 and are the subject of TPOs can be seen towards the right of this 'photo'.

Two of the pine and the Hornbeam which feature in photo 4 and are the subject of TPOs can be seen towards the right of this 'photo'. The 3rd pine which is a little further along from the 2 x pines could not be caught in the camera angle, but is clearly visible in photo '4'.

PHOTO #.7.



PHOTO #.7.

This is the last of the 8x trees to have had a temporary TPO placed on it. You can just make out the base of the trunk on the left. I took this photo since this is the tree I asked about in terms of damaging the plinth to the oil tank. Its roots are extensive and I have been waiting for my heating engineer to visit since early October 2025 to service my boiler and check my oil tank is not suffering damage. A leakage of a toxic contaminant like heating oil would be catastrophic.

THIS IS THE RESPONSE TO QUESTION 7
ON NYMP FORM.

Notwithstanding that many of my observations extend beyond strict requirements for the application to proceed, I wish to preface my request with additional relevant matters.

1. No tree whatsoever within the curtilage of the property known as "Glenhead," Orchard Lane, Y022 5JT is the subject of a "Tree Preservation Order."
2. This application is concerned exclusively with the felling of dangerous trees. Dangerous to life, limb and property. In a single instance, a request is made for ca. 30% of the canopy of a deciduous tree (silver birch) which overhangs the property to be pruned. Advice is sought with regard to one poplar tree which is causing damage to the footings of an oil storage tank. Otherwise, all trees which it is sought to fell are coniferous in variety.

3. The coniferous trees I seek to have felled offer, in my judgement, absolutely no amenity value and zero aesthetic value. They are sticks of wood with a very high and limited canopy and they attract a few feral pigeons and nothing more. But two have so far fallen and it is by luck and happenstance rather than good judgement that they have only destroyed fencing and robotic mower perimeter wire. They have not demolished a house etc. or caused risk to life or limb.

6. He pointed out the large pool of water below the pine's shallow roots and stated he was seeing an increasing number of such instances. Saturated ground, lifted roots, after which a wind of comparative moderate strength would force the tree over.

7. On 21st February 2025 another tall coniferous tree fell. This time in the direction of the road. The NYMP authority is in possession of photographs depicting the aftermath, together with an email dated 23/2/2025 explaining matters. Familiar pattern: pool of water beneath shallow roots on a windy day.

8. It smashed my fence and broke the perimeter wire to my robotic lawnmower. Significant costs to myself.

The background.

4. In August 1962 I was born on a farm some two miles by road from the index property. I lived there for the first eighteen years of my life. I have the most acute memory and can say without hesitation that the climatic conditions currently being experienced are infinitely more extreme than those through my childhood. Major storms were often decade defining events. They are now seemingly, routine. We have endured the driest of spring and summer months and I fear that when the rains do fall, I will experience dangerous collapses of trees.

5. On 16/2/2024 a truly huge pine tree fell in a vicious storm. Thankfully, its fall was broken by a nearby tree, for otherwise it would have caused immense damage to neighbouring properties. An emergency tree surgeon was summoned. He attended within the hour and despite the continuing storm he secured it over a 5 hour period at a cost to myself of £485-00.

Present application.

9. In consequence of all I have detailed, I seek permission for the felling of 11 dangerous pine trees; the pruning of the canopy of 1 overhanging silver birch and guidance on 1 poplar which is damaging the plinth to my oil tank.

The dangers include, inter alia;

(a) a risk of my neighbour's property at Plum Tree cottage being damaged or effectively demolished from falling trees;

(b) a risk of her oil tank being smashed with attendant leakage of inflammable liquid and the water table being polluted;

(c) my own property ("Catenhead") being destroyed;

(d) a risk to life and limb ~~to~~ anyone caught under a falling tree, whether they be on the adjacent road or in my or a neighbouring garden (or the house);

(e) a risk to the one road in and out of this area being blocked by a fallen tree.

It is an utterly intolerable position for me to be placed in and results, in my judgement from previous owners having entirely neglected the garden.

10. The garden to "Glenhead" is
largely exposed. It gets battered by storms,
along with the house. The wind howls off
the moors across an entirely level field
and across my level garden.

In the hope of obviating future risks
(once pines have been felled), I wish to
plant new, deciduous trees that have
deep roots and soak up a lot of water
along the line indicated on the plan.
That way, I hope to "shelter the house"
with low risk trees and add to the
amenity value (attracting birds other
than just feral pigeons) and the aesthetic
appearance of the garden. I will look to
your representative to give me guidance
on the best trees to plant to achieve the
desired result.

I wish to advert to one final matter.
I raised in my email (23/2/2025) to
NYMNP the risk one faces of being
questioned by the police in the event a tree
falling and so injuring/killing another. It
is NO ANSWER to say "you would never
face a charge!" Not only would such an
episode devastate me permanently

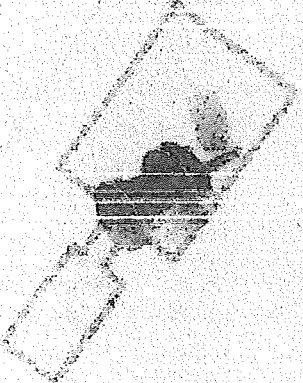
but I have an entire career behind me of dealing with the police and being instructed both to prosecute and defend in the most serious of cases. I know how they operate. I am fearful. But as I say, none of that detracts from the guilt and shame I would feel if I felt I had not done everything and more within my power to be rid of exceptionally dangerous trees.

Ian Storey LL.B. (Hons); Barrister.

Enclosed : map depicting position of trees I wish to have felled at "Glenhead," Y022 5JT. Additionally, key to plan.

Aerial

My oil tank



Glenhead

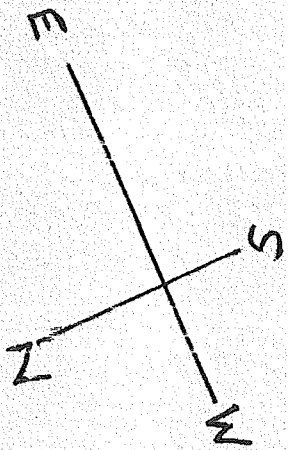
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20

Plum Tree Cottage
 (Mrs Nicola Sperrin)
 Oil storage tank and
 garage of Plum Tree Cottage

Line of proposed
 deciduous trees
 needs planning of new



KEY TO PLAN

1. Pine. Upper branches overhanging house. Next to tree that fell in February 2025. Ca. 20m. in height. 4.7 metres from house - which it would demolish were it to fall.
2. Pine. As per 1. Ca. 4.9m from house but ca. 20m. in height.
3. Unidentified but highly dangerous in event it were to fall as ca. 20m tall and ca. 4.8m from house.
4. Pine. Next to one that has fallen. Ca. 20m in height and ca. 10m from house. Would demolish house and fence in event it were to fall. Like 1, 2, 3.
5. Pine. As per 1-4 inclusive
6. Pine. As per 1-5 inclusive
7. Pine. As per 1-6 inclusive
8. Silver birch. Although close to the house, is deciduous and so will have deeper roots. But needs ca. 30% of canopy removing/pruning.
9. Ash die back. Utterly dead.
10. Silver birch — As per 8.
11. Ash die back. Utterly dead
12. Ash die back. Utterly dead
13. Ash die back. Utterly dead.
14. Unidentified but will soon fall over dead. I believe it to be Mountain Ash which is dead. It is so small as to be unlikely to cause damage when it inevitably topples.
15. Unidentified and precisely as 14.

16. Pine. Dangerous in being proximate to neighbouring property. Moreover, if it were to fall it would cover the road and smash any vehicle or person(s) within it.

17. Pine. Dangerous as per 16.

18. Pine. Ditto 16 and 17.

19. Oak. Deep roots; aesthetically pleasing and not perceived to be a danger to neighbouring property owing to the depth of its roots.

20. Pine. Extremely dangerous as ca. 2.4m from next door's oil tank and garage. Ca. 4.5m from neighbouring property. If it fell there would be carnage.

21. Poplar. Has been allowed to grow to dangerous height. Is completely ripping up the concrete base of my oil storage tank and so is highly dangerous. I seek advice as to best way forward.

(a) The remainder of the garden is absolutely peppered with other trees, some dead or dying. However I do not adjudge any to be a danger to life and limb or a risk to property as if they fell they would fall onto grass and not destroy houses, fences, roads, vehicles etc.

(b) It is along this line I wish to plant other trees as it points westerly (prevailing wind); will be aesthetically pleasing and conducive to fauna.

(no subject)

Ian Storey
To: Ian Storey

Mon, 15 Sep at 09:46

APPEAL AGAINST TEMPORARY TREE PRESERVATION ORDER 2025/4

GROUNDS OF APPEAL.

1. The basis upon which this tree preservation order is predicated is entirely false and erroneous. Government guidance (GOV.UK Guidance : Tree preservation Orders and trees in conservation areas) states as follows.

"When considering whether trees should be protected by an Order, the extent to which trees can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees should normally be visible from a PUBLIC PLACE such as a road or footpath...."

The application itself states (para.4 *ibid*)

"The trees covered by this TPO.....are visible from the road to Beck Hole and from the main road through Goathland....."

THEY MOST DEFINITELY ARE NOT.

No tree whatsoever (in this application) is visible from a public place. The road which the author of the application has incorrectly labelled "Beck Hole Road" (*viz.* the road which passes by the side of the Goathland Village Hall) affords a sight line which is entirely blocked by a large sycamore tree which stands at the corner of my property (Glenhead) and the neighbouring property ("Plum Tree cottage"). If the author means to refer to "Beck Hole" Road (correctly so called) which fronts a property called "Water Ark Lodge" on the way down to the hamlet of Beckhole, then you cannot even see through to my garden, let alone the trees within it.

Neither is any tree visible "from the main road through Goathland."

Even when that deciduous sycamore sheds its leaves, no tree stipulated in this temporary TPO will be visible since its branches are so full that they will obscure any sight line. Given that the author of this application has never seen that tree in fall, he can hardly be in a position to contradict.

ON THAT GROUND ALONE - without further pursuit of sophistry to try and justify the unjustifiable - this order ought to be set aside.

2. I have no doubt that the author of this order has done the following. He has trespassed onto the road "Orchard Lane" and has driven quite a way along its length. It is a private road available for access only to the few residents who live along it and to their specific invitees. He has then trespassed onto private land owned by the Duchy of Lancaster to park his vehicle unlawfully. (The NYMPA ought to be alive to the issue of unlawful parking in this village, given the number of responses to planning application NYM/2025/0212 : "The Bee Arc Project." They most certainly ought not to be encouraging their servants or agents to commit the tort of trespass). He has stood there and said "I can see certain trees in that garden" (he still would not have been able to see all, since the property itself blocks them). That is not to view anything from a "public place or public footpath."

3. The government's advice from the source to which I have earlier adverted speaks repeatedly of an assessment being made as to whether an individual might surreptitiously seek to fell trees before taking the step of applying for a temporary TPO. That - levelled against myself - is as vile a calumny as could be imagined. I followed every procedure both in spirit and to the letter in seeking advice about trees in my garden which I have evidence pose a risk to life, limb and property. I belong to the generation of whom the late Sir Robert Megarry Vice Chancellor of the Chancery Division of the High Court was to comment "I would as soon trust a barrister as a bishop." In taking the step of applying for a temporary TPO, the applicant is saying "he might fell trees without permission" viz. by implication, a defamatory comment. There is not a germ of evidence to support any conclusion that I would EVER do such a thing.

4. It is plain beyond peradventure of doubt that this order is motivated by the vilest of mala fides. It arises owing to a complaint I made against Nathan McWhinnie following his entirely unannounced visit, thereby denying me the opportunity (expected if natural justice is to mean anything) of having a witness present rather than for Briony Fox to be able to glibly dismiss my concerns with "recollections differ"). Let me examine the chronology.

(a) I submitted an application asking the NYMPA for guidance on trees I adjudged may be dangerous.

(b) Your agent visits.

(c) Very shortly after his visit I make a detailed complaint in an e-mail dated 1st August. Thus by that date you have - and he is facing - a complaint.

(d) The e-mail was intentionally disparaging in tone. It couldn't, in truth, capture the moment in a way that would do his behaviour justice. He was appallingly belittling and entirely impervious to any of my genuine and honestly held concerns. A witness who

arrived late into our exchanges has expressed being ad idem with my assessment.

(e) Some eleven days later (viz. 12th August) he forwards an e-mail stating, inter alia "I will have a temporary TPO placed on....."

(f) In a letter dated 14th August I receive a response to my complaint from Briony Fox which contains details such as

"In investigating this matter I have spoken at length to Mr McWhinnie....."

and

"Your feedback has been shared with the team....."

Thus, unless the only communication she had with him all occurred on 13th August, he must have been made privy to my complaint before writing his e-mail on 12th August. I am further fortified in my belief owing to the fact that Briony Fox goes on to state in her e-mail of 14th that she had "taken...time to speak to Mr McWhinnie." Well, given the timescale to which she was working and was statutorily obliged to respond to my complaint, it would seem unlikely in the extreme that she waited until the eleventh hour before alerting him to the complaint. She would presumably have wanted time to give thought to and then compose her e-mail.

Accordingly, it hardly takes a cynic to conclude that he has reasoned "he complains about me, therefore I will make his life miserable." In any event, I have always maintained that a cynic is what a fantasist calls a realist. I feel that after a lifetime dealing with people in a legal context I have become a pretty good judge of what motivates them.

5. I say "make [my] life miserable" because you must know - and know well - that having a TPO attached to a property represents an extremely severe step and can easily lead to people declining to purchase, knowing they will have to deal with an obdurate authority. I shall mention as an aside that when your agent was here he must have said at least a dozen times "get an arb's report" (I took it he meant a report from an arboriculturalist). I asked for a quotation from a firm. It arrived, replete with spelling and grammatical errors (which does little to inspire confidence). It was obvious that they wanted to do little more than draw pretty trees on a computer screen. I can see where the numerous trees are in my garden without having them draw pictures for me. The fee.....£1,100. Well, those who are paid by the taxpayer might not raise an eyebrow, but those who have to pay the tax are less than impressed by such extortion. It is a bind for myself to have to respond as I have (and I was in a job where report writing was standard). For most it is far too great a labour, leading them to say simply "TPO.....no thanks." (Every tree is in a conservation area in any event and it is to argue semantics that there is a genuine, meaningful and necessary need for a TPO, especially against someone who follows the law to the letter).

6. Continuing para. 5, I would ask the appellate jurisdiction to reflect on whether such draconian action is warranted against someone whose only crime was to ask for help and yet who considers himself to have been treated truly appallingly and who now faces the prospect of owning a financially reduced asset.

7. It should be known that the poplar tree's roots are now not only ripping the concrete plinth on which stands an oil tank, but they are ripping up the concrete around one of this house's main drains. But given the attitude of NYMPA through its servant or agent, I'd doubtless be told "re site the main drain and move the oil tank." My response would be : "Are you going to pay for the work?" doubtless running into the thousands or even tens of thousands of pounds.

I therefore ask that the appellate tribunal shows some understanding and removes the temporary TPO, leaving every tree the subject of conservation area protection only.

IAN STOREY.

(Signed by the author).

NOTE :

Your servant/agent specifically stated in his e-mail to myself dated 12th August 2025 that (and I quote verbatim) "You will be sent a copy of the TPO as soon as it is placed, **ALONG WITH GUIDANCE ON HOW TO APPEAL.**" Nothing, absolutely **NOTHING** has been sent on how I appeal against this wholly vindictive order. It speaks volumes about the NYMNPA that I have been left in ignorance about procedures. Accordingly - and in order to obviate anyone trying to score points over timescales etc. (I am well within 28 days from receipt of the order on 26th August)- I am forwarding a copy of this notice to NYMPA; North Yorkshire Council and the Planning Inspectorate. I am also seeking advice from the latter as to whether there exists an Ombudsman to whom I might complain over the demonstrably shabby and unfair treatment I have received throughout this entire episode.

12th August 2025

My complaint.

Ian Storey

Fri, 19 Sep at 11:31

To: Ian Storey

Would you please allow your Chief Executive to have sight of this when he considers all of the correspondence which has had to pass between myself and yourselves.

Please, when considering this matter, ask yourself how you would feel if you had been treated as I have.

You suffer two huge trees in your garden being blown over. That all occurs within the space of 12 months and one week. The cost to you personally to have the matter remedied is £1,975. It isn't even the cost which most exercises your concern, rather it is the fact that had the first one not had its fall broken by a deep rooted deciduous tree it would have caused immeasurable damage to your neighbour's house. The second one misses by - perhaps two metres - a road where residents who live along its course both walk and drive their vehicles. You are a responsible citizen who heaves a huge sigh of relief that no one has been hurt. However, you have spent a lifetime both prosecuting and defending everything from murder downwards, including literally countless cases of manslaughter. You know how the police operate. You have dealt with hundreds - indeed thousands - of quite senior ranks. You have lost much faith in them as a service owing to the quality of their recruits (Wayne Couzens; David Carrick to name but two of the more egregious examples).

You tell yourself that whilst any reasonable Judge would put an end to a prosecution, you would nevertheless have had to face the ignominy - at age 63 with two FPN for speeding and one parking ticket to his name (all occurring decades ago) - of lengthy interviews in uncomfortable circumstances.

You are a person who is honest to the core and who therefore seeks help from the people who supposedly have jurisdiction over your trees, being as they are both in a national park and a conservation area. Not for you the behaviour of most who stick two fingers up and say "to heck with them, I'll do some arboriculture of my own."

You take a great deal of time in order to submit a detailed application about the trees in the course of which you ask for help. You are frightened of future eventualities. One tree in particular is completely ripping up your heating oil storage tank plinth, built out of concrete and seriously elevating the concrete around it. You want to avoid a toxic substance spilling out and damaging the surrounding water table. That, of course, ignoring the terrible expense that would be involved in remedying the situation.

An individual cold calls you. He is in possession of a mobile telephone but he cannot be bothered to spend the few seconds it would take to make a call to alert you to his intended visit. He parks his vehicle illegally to come to your house when his employer owns a large car park maybe some 300 yards away. He trespasses on the private road upon which you live and which is only available for legal usage by the residents who live along its course and their express invitees. He hasn't alerted you to his intended visit so you cannot give him permission. By not alerting you, of course, he denies you the opportunity of having a witness present to see and hear his attitude and behaviour. It causes the individual deputed to deal with your subsequent complaint to glibly say "recollections differ." Well, you were denied the opportunity of having someone accompany you during his visit to your private property and you feel that natural justice has been entirely denied to you. In any event, there are issues in your background which you are loathe to discuss about why you do not like to be "cold called."

He spends about an hour and a half belittling you and making you feel angry. After all, all you'd done was ask for help and advice.

Most, perhaps just say "that's what life is like now in this country" and whilst they may bristle with indignation inside, they say nothing, fearful he will become even more obstructive.

He has left you in no doubt at all that nothing can be removed. "Trees don't normally fall" so forget about the fears you have about the security of your own property, your own personal security if something does cause them to fall, the safety of your elderly neighbour who is a widow living alone and the safety of anyone who is legitimately using the road that fronts your home.

He leaves with only the tail end of his visit being witnessed by someone other than yourself. Her observation? "Obnoxious doesn't even come close."

You complain on 1st August. On 12th August, he sends you an email saying you can fell 12 of the trees (wonder upon wonders since many of them were dead anyway and you had thought they didn't require permission. But you are always happy for a sensible volte face. But in what you perceive to be nothing short of vindictiveness, he tells you he is going to stick TPOs on another eight. You never wanted to fell or hack back for the sake of it. By common consensus with your neighbours, you have fashioned a beautiful garden out of what, five years earlier was little more than a field. You like trees. You think they are beautiful. But you put safety before aesthetics.

In any event, you know that if you are an honest, decent, law abiding citizen, you must ask permission even before you snip so much as a twig off a tree. That is what living in a conservation area involves. So you are particularly affronted by the thinly veiled defamation that you might surreptitiously do something you are not permitted to do. You have never resorted to crime by age 63, but somehow you are not now to be trusted.

The TPO comes in a very grand envelope, by recorded delivery with the words

"IMPORTANT THIS MAY AFFECT YOUR PROPERTY." It is a house which has taken you your entire working life to be able to buy and here is someone who is doing an act calculated to make selling it infinitely more difficult and reducing its monetary value at a stroke. If you had played fast and loose with rules, you may be able to understand it. But you haven't, you have acted with absolute probity at every stage.

The actual TPO is factually in error (none of the TPO trees can be seen from a place to which the general public have resort) and so you proffer an appeal. But you haven't, in truth, the faintest idea to whom you must appeal. Is it North Yorkshire Council? They after all have endorsed the order. Are they "the authority" of which the order speaks? Or is it NYMNPAA? It was, after all, their employee who visited. Or might it be the Planning Inspectorate? (Which extensive trawling on the internet leads one to, even though when you've complained earlier you've been told repeatedly "it is not a planning matter"). The individual against whom you've complained has told you in his email of 12th August that he will tell you exactly how to appeal. Either through ineptness or mala fides, he has neglected to do so.

Not knowing who has jurisdiction over an appeal, you send a copy of it to all three bodies. What does North Yorkshire Council do? (Despite the fact that if they'd even bothered to read what I sent they'd have known not to do this). They send it to the person against whom you have complained. You speak to the person at North Yorkshire Council to ask what exactly she sent back to NYMNPAA given her email to yourself in which she has stated that she has sent everything you sent because "they(NYMNPAA and not the Planning Inspectorate)" deal with the appeal. That is in direct contradistinction to what the person who deals with complaints at NYMNPAA has told you. The individual at North Yorkshire Council (a solicitor, no less, who signed the TPO) patently doesn't know to whom one should appeal. Why, therefore, should you? You are just a citizen who tries to play by the rules.

How would ~~you~~ feel?

Ian Storey. LL/B. (Hons); Barrister.

TPO and complaint.

Ian Storey

Thu, 18 Sep at 16:34

To: Ian Storey

Dear Madam,

As you are aware of the salient history in this matter, I shall not descend into yet further elaboration save than that which has occurred within the last seventy two hours. All of this is taking me hours to complete as I have to cross reference everything and I do not receive remuneration for doing so, unlike yourselves.

I would ask, please, that you escalate my complaint up to Chief Executive level, whereafter (and I have been told I cannot do this before "an escalation to phase 2 level") I will have the opportunity of involving the Local Government Ombudsman.

Having received a copy of the temporary Tree Preservation Order from NORTH YORKSHIRE COUNCIL, NOT North York Moors National Park, I set out to appeal something which I considered to be wholly unnecessary, wholly inappropriate and entirely motivated by malice on the part of your servant/agent who had made his unsolicited call some weeks earlier (Nathan McWhinnie).

He had said in one of his emails to myself that he would tell me how I would have to proceed if I wanted to appeal against the order ("You will be sent.....guidance on how to appeal." His email to myself dated 12th August 2025).

The TPO which came from North Yorkshire Council in a registered delivery envelope, in truth, contained no meaningful assistance or guidance on how to appeal. It details appealing to "..... the relevant authority." But what is that? An employee of NYMNP had purported to make the order. But North Yorkshire Council had sent me the order with their stamp attached. And an extensive trawl of the internet suggested that the appellate tribunal was something called "The Planning Inspectorate" (that despite the fact I have been told countless times that this is "not a planning matter"). How on earth ordinary citizens who feel they have been seriously wronged are supposed to make head or tail of any of that I know not. Indeed, one entry on the internet informed me I had absolutely no right of appeal.

Accordingly, on Tuesday 16th September I sent one copy of my appeal notice together with a covering letter informing each of those three bodies that I had sent identical copies to the other two, apologising in advance if the matter was not within their remit. But I hadn't, in truth the faintest idea of who was to deal with my appeal. I just hoped it wasn't going to be NYMPA, since I was already struck by the fact that their appeal process was

good an illustration of the legal maxim "nemo iudex in sua causa" as could be imagined. It hardly seemed fair that the individual against whom a complaint had been made should have been allowed to make a few oral representations to his senior (Briony Fox) and yet the person making the complaint should not have been allowed to speak to anyone, or call his only witness to the attitude of your employee. It is no wonder that Briony Fox should have concluded "recollections differ" (a phrase, no doubt, adopted from the late Queen when she described Meghan Markle).

Having sent those copies of appeal and covering letter, then the following day (yesterday, 17th September) I received an email from one "Paula Morris" of North Yorkshire Council - the very individual who had signed the TPO - telling me how "I confirm that I have forwarded a copy of your correspondence to NYMPA for their consideration." Well, leaving aside that she had obviously not read my covering letter or else she would have known I had spent almost £4 each in sending you all of the documentation (yourselves; North Yorkshire Council and the Planning Inspectorate) and so you already had it.

Doubtless you will respond "she is not our employee and so we cannot account for her actions." But who had she sent that email to? None other than the subject of this entire complaint, Nathan McWhinnie!!! Is it any wonder I felt he was going to have a say in this appeal?

I cannot begin to capture the entirety of the horrible encounter I had with your employee and this whole process is frankly exhausting. But to receive a response to my complaint which states ".....making an appointment with you would have been courteous, [but] the volume of work we do means that our tree officers can make multiple site visits a day and it is not always practical to make appointments" does not even begin to answer his gross discourtesy. He had a mobile telephone with him and doubtless like most of his ilk it spends most of its life glued to his ear. How long would it have taken for him to telephone me? 20 seconds? I doubt that long. But I happen to know he doesn't call people because I have spoken to others in this village. They have expressed genuine concerns about his manner and attitude. But I suspect fear that he will do his utmost to try and write value off their properties (by imposing TPOs) prevents them from complaining. You might reflect, if you have the decency to do so, that you know nothing of my life and background. Nothing of the anguish that comes from unexpected knocks on the door. And then instruct your staff to show a measure of decency towards other people by letting them know that a stranger is to call.

And as for saying "recollections differ" I really do not know where to begin. I doubtless will not be listened to, whatever I say.

Please escalate this matter to the next stage since I intend to take my complaint as far as retained sanity will allow me.

Ian Storey LL.B(Hons), Barrister.

Plum Tree Cottage,
Orchard Lane,
Goathland,
North Yorkshire.
YO22 5JT

Dear Sir/Madam,

I write in connection with a recent application by my immediate neighbour, Mr. Ian Storey of Glenhead, Orchard Lane, Goathland. YO22 5JT, in relation to some tree work, that urgently needs attention. I refer specifically, in this letter, to trees directly adjacent to my property.

My late husband and I have been at Plum Tree Cottage since June 2011. On initial purchase of the property, concerns were raised about the proximity of some very high trees, grounded in Glenhead, that border my driveway, which subsequently borders the cottage. On speaking with the then owner of Glenhead, he agreed that the trees were significantly oversized (height) and would proceed to do something about it. A short time later, Glenhead was sold to Mr. and Mrs. T. Gardham, and my late husband and I once again had the same conversation; they again agreed the trees were off a dangerous height next to a neighbouring property, and also said something would be done. We even offered to share costs as we were so worried about the trees coming down and demolishing our cottage, frighteningly with us possibly in it at the time. In addition, we were very worried about the close proximity to our 1000 litre oil storage tank.

Sadly, nothing was done yet again, and now, some fourteen years on from when we bought it, Plum Tree precariously sits under several very, very, tall trees, with now an additional fourteen years of growth upon them.

Glenhead has been sold once again, and purchased by Mr. Storey. Now widowed and living on my own, the same conversation has taken place, and this time, I have a neighbour who truly sees the danger I live in, on a daily basis, and is taking action to do something about the current situation. To him, I am most grateful as he is the first, of our three Glenhead neighbours, to make meaningful and, I very much hope positive, gestures.

To be specific: the trees literally tower over Plum Tree, and should they fall, they undoubtedly will crash through the roof, breaching the upper right bedroom (as you look at the cottage), the bathroom, the kitchen, and the dining room. They also tower over the oil storage tank and the garage. Should the oil storage tank be ruptured by a fallen tree, or indeed a heavy branch, the environmental damage could be catastrophic. The trees themselves have short root systems and very weak branches which fall in a stiff breeze, never mind a significant wind, and I can no longer, or at least not without significant risk, park my car on my driveway adjacent to my property. I have had minor damage on several

occasions from branch falls, and my washing line has been snapped through four times (I now no longer have my washing line sited there). I now park in front of my property, though a falling tree would still demolish my vehicle. Additionally, my lovely 'white' cottage is scarred green on the side against the trees that, I reiterate, are not mine, and not on my property, and there is significant expense every two to three years to repaint this side of my cottage. The foliage from the trees is lofty, dense and weighty.

Of course, greatest of all, is risk to life: my life. Further, the risk to life of my family when they come to stay with me, my two-year-old granddaughter included. The risk to friends who call to visit or may also stay.

Action has been prompted more speedily by the falling of a similar, if not identical, tree from Glenhead garden earlier this year, 2025. The height, and subsequent length of this tree was, I estimate in excess of forty feet. Fortunately, very fortunately, it fell towards and landed in, the lane, though had someone have been driving, or walking, past at that time, the outcome could have been disastrous. Had it have fallen another ninety degrees, anti-clockwise, it would have gone through Mr. Storey's property.

I must add that living in the National Park, I love trees and love to see them adorning the countryside that I am so privileged to live in. However, such is the constant worry about the aforementioned trees falling onto my cottage, and especially on to me, I have to say that a lack of control in the height of these colossal 'towers' has resulted in them now being a substantial danger to both life and property. The change of climate, with more significant rainfall, sizeable periods of heat and drought, and notable wind speeds are leading to a change in ground stability, and hence greater peril.

When examining Mr. Storey's application to you, please consider my position also.

I thank you sincerely,

Nicola Sperrin



**North York Moors
National Park
Authority**

Tom Hind
Chief Executive

Your ref:

Our Ref: 002-25-26

Date: 24 October 2025

Mr I Storey
Glenhead
Orchard Lane
Goathland
YO22 5JT
Sent by email:

Dear Mr Storey

Complaint

Thank you for your letter received on 23 October 2025 being a copy of an email received on 22 October.

We only allow Public Speaking at Planning Committee for conventional planning applications. We do not allow Public Speaking for other matters, such as Tree Preservation Orders (TPO), enforcement items, or policy reports.

You can submit a "question" on the TPO matter, to be read out in the Public Question Time (PQT) item, which will be ahead of the TPO item. Whilst PQT was not intended for this purpose we have allowed this sort of approach in the past. You can (in advance of the Committee), if you wish, request the Chair of the Committee to allow you more time to speak during the PQT item. The Chair has occasionally allowed more time, usually limited to 3 minutes.

In addition, you can submit written comments on the TPO matter in the run-up to the Committee and they will be given to Members in the Update Sheet (or on the day if need be). It is not permitted to 'call a witness' at Planning Committee, but any parties/persons can submit their written comments to be put before Members if they wish. You are also able to directly lobby Planning Committee Members if you wish.

Continued...

Working together to sustain the landscape and life of the
North York Moors for both present and future generations to enjoy

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
01439 772700 general@northyorkmoors.org.uk
planning@northyorkmoors.org.uk northyorkmoors.org.uk



You certainly can attend the Planning Committee and sit in the Public Gallery.

In relation to documents, the Committee Agenda will be published well in advance of the Committee on our website [Meetings and Agendas | NYMNP](#) and will contain the Officers Report and Recommendation on the TPO matter, which is read by each Member in advance of the Committee meeting.

Yours sincerely

Judith Seaton
Executive Support Team Leader

From: Richard Smith1

Sent: 04 February 2026 12:24

To: 'Ian Storey'

Subject: RE: TPO 2025/4 - Glenhead, Orchard Lane, Goathland, Whitby

Dear Mr Storey,

I sent you the Report by email at 0913hrs on Wednesday 28 January, which was the morning after the Report was finalised, before the Report was published, and in recognition of you being the landowner.

I have used “dossier” as that is the description you used in your email to me of 29 January.

I confirm that the papers you have submitted will be included in the Update Sheet in their entirety, save that your email address and other parties' private addresses and details will be redacted, as required by data protection principles.

I will, as you request, include this exchange of emails in the Update Sheet.

By all means come back to me if you require any further information.

Yours sincerely,

Richard Smith
Authority Solicitor and Monitoring Officer
North York Moors National Park Authority

From: Ian Storey

Sent: 04 February 2026 11:22

To: Richard Smith1

Subject: Re: TPO 2025/4 - Glenhead, Orchard Lane, Goathland, Whitby

Dear Mr Smith,

As I indicated in my earlier e-mail, I could have attended the meeting at the end of November 2025 which the CEO of NYMPA had explicitly told me was the date the hearing would take place. I knew I would not meaningfully be allowed to speak, since I had been told as much. However, I was intent on attending that meeting to

try and intervene if there was not an adherence to fair play (something I consider I have never enjoyed from the very outset back in August 2025). But I now have a long-standing commitment for Thursday 5th and I simply cannot get there. It would, perhaps, have been more just, if I, as the profoundly affected party, had been consulted before the date was just moved.

I only ever learned that the date had been moved because I asked for a report - which after months of delay - had not been prepared. No one then had the courtesy of forwarding me the report he seeks to use, such that yet again I have to ask, meaning I get a report, full of "errors" (I use that term when I could employ much better ones). The photographs are all wrong and so having received the report on Thursday 29th January, I have to spend the lion's share of Friday (30th); Sat.(31st) and Sunday (1st Feb) compiling what you have called a "dossier". I have then had to spend £10-25 in postage to guarantee you get it.

There are no defamatory remarks in that "dossier" so I do not expect to hear of any redactions. I am intimately acquainted with the case law on defamation and critical language does not satisfy the legal test.

Giving him sight of my response simply allows him to say "oh dear! He's spotted my qualification falsity. I'll maintain it's a typo." Since I had to wait months for his report, would it not be fair to just make him wait a similar length of time?

I await your response (but I do feel this e-mail from me to you should go before the committee in addition to my "dossier"). That's only fair.

Ian Storey.

On Wed, 4 Feb 2026 at 10:02, Richard Smith1
< > wrote:

Dear Mr Storey,

Further to my email below, I have considered this matter further overnight. The Chair of Planning Committee has a discretion to allow you to speak to Committee tomorrow, should circumstances warrant it. Accordingly, as I indicate in my email below, I will allow the Woodland Officer to have sight of your dossier in the Update Sheet today, and if you wish to request that the Chair exercise his discretion to allow you to speak, I will support you in that request. You will need to make that request as early as possible, ideally before the Committee commences at 1000hrs.

I await hearing from Officers that your dossier can be included in the Update Sheet in its entirety (they need to check the content for issues relating to data protection, confidentiality, defamation, etc). I will come back to you to confirm that as soon as possible today.

Yours sincerely,

Richard Smith

Authority Solicitor and Monitoring Officer
North York Moors National Park Authority

those of North Yorkshire Council.

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Item 10 - National Planning Policy Framework - Draft for consultation

The following report is to replace the one published in the agenda.

1. Purpose of the report

- 1.1 To set out the Authority's initial response to the Government's proposed changes to the National Planning Policy Framework (NPPF) and ask that Members approve this initial response.

2. Background

- 2.1 In December 2025, the Government launched a 12-week consultation seeking views on proposed revisions to national planning policy to help support the Government's wider planning objectives. Full details are available at [National Planning Policy Framework: proposed reforms and other changes to the planning system - GOV.UK](#).
- 2.2 The proposed changes are extensive, and the consultation asks 225 often very detailed questions. Officers continue to work through these. The main issues that require a response are set out and addressed in Appendix 1 to this report. Members are asked to note and agree to these responses and authorise officers to set out a more detailed response to the Government by the deadline of 10 March.
- 2.3 We are liaising closely with the other 9 English national park authorities in the preparation of a joint response from National Parks England.

3. Details

- 3.1 The first NPPF was published in 2012, and since then, there have been six iterations of the Framework. This draft version is the most extensive rewrite in terms of policy content, but also of the approach and format of the document, which it states is to be more "rules based," giving greater certainty. It aims to support a revamped planning system, which the Government hopes will deliver housing to enable the target of 1.5 million new houses in England to be delivered by 2029.
- 3.2 It includes a set of proposed 'National Development Management Policies' (NDMPs) which will be used to guide planning decisions in the future. The previous Government had proposed through legislation (the Levelling Up and Regeneration Act) that NDMPs would be created with the same status as statutory development plans, with the aim of shortening and streamlining local plans. This version of the PPF, however, has

rowed back from this legislative status and proposes that such policies should be introduced on a non-statutory basis and sets out drafts of these policies for comment. It reinforces the continuation of a “plan-led system.”

- 3.3 The consultation confirms that these decision-making policies should not be repeated in development plans, and states that any inconsistent local planning policies will immediately be given very limited weight.
- 3.4 Sections in the draft specifically about National Parks remain largely unchanged, although there are some changes over which we have concerns. The main change is that the draft NPPF takes more of a ‘spatial’ approach, providing a permanent presumption in favour of ‘suitably located development’ within settlements, and a set of circumstances where development outside of settlements may be acceptable.

4. Initial response

4.1 The following main issues have been identified:

- **Weight to be given in the planning judgment:** With the aim of simplification, there is consistent use of the word ‘substantial’ throughout the document, referring to the amount of weight to be attached to the amount of weight when applying policies in decision-making (Question 5, 182 and 189). The current NPPF uses several different terms when referring to weight to be given in the planning judgment (great, significant, substantial). The current NPPF (paragraph 189) uses the term ‘great weight,’ which should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads, and National Landscapes. Whilst officers understand the logic of simplification, we think this is a lessening of protection and ask that ‘great weight’ is retained.
- **Policy PM1 – Spatial Development Strategies.** This policy relates to the production of Spatial Development Strategies, which are strategic sub-regional development plans covering Combined Authority areas. There is a lack of any reference to National Park Authorities being referenced or formally included in new Spatial Development Strategies (this would be the forthcoming York and North Yorkshire SDS). This is caveated by reference to any policies within the Framework which protect areas or assets of particular importance, which provide a strong reason for reducing the overall scale of development.
- **Policy S1 - Positive Plan-Making.** This policy repeats the previous national policy of the need for positive plan-making, which includes meeting the fully assessed housing needs of the area (at a minimum). This is again caveated by reference to any policies within the Framework which protect areas or assets of particular importance, which provide a strong reason for reducing the overall scale of development. Footnote 23 makes it clear that such policies apply to National Parks. This continues the existing approach for Protected Landscapes.

- **Achieving Sustainable Development.** Chapter four relates to achieving sustainable development and, more clearly than previous frameworks, sets out a spatial approach that differentiates between development that is appropriate within settlements and development in the open countryside. Policy S5 lists potential uses of land that might be suitable outside of settlements, which includes “the re-use, extension, alteration or replacement of an existing building, so long as the existing building is of permanent and substantial construction” This is a less stringent test than our current policy, which only allows conversions to buildings of historical or architectural interest. Clarity on whether this would allow the conversion of modern farm buildings to dwellings is needed.

The draft policy also allows for limited residential infilling within groups of houses outside of settlements – i.e. where currently open countryside policies of restraint would apply. This would have implications for our current spatial strategy as linear groups of housing exist quite frequently as outliers to the core centres of many National Park villages, which are not included within the existing developed parts of settlements. This could lead to a significant increase in sporadic housing development in what is essentially the open countryside in planning policy terms.

- **Draft policy S2 - Producing a Spatial Strategy.** This states that settlements should be clearly defined in local plans either with a development boundary or with clear criteria for identifying their extent. This is something which needs to be considered in our local plan review.
- **Policy H01 - Assessing the Need for Homes.** The draft proposes removing the current reference (footnote) to the 2010 National Parks Circular. This is the only current source of policy in which the Government sets out its specific approach to housing (and a range of other detailed matters) in National Parks. We have suggested that the key line of housing policy in the Circular be added to the NPPF. Clarification is sought over the status of the Circular, as references to it remain in the Planning Practice Guidance.
- **Policy N4 – Protected Landscapes.** This policy specifically covers National Parks and is intended to replace existing NPPF paragraphs 189 and 190, which have long been accepted “principles of national policy” for Protected Landscapes. The policy includes the need for development to be restricted in scale and extent in National Parks and sets out the ‘major development’ test. We have some concerns that these are weakened through a change in wording; however, it is understood through officer liaison with DEFRA/MHCLG that this is not the intention. The draft also loses the statement that the national parks represent the highest status of landscape protection and applies the term ‘substantial weight’ rather than ‘great weight to their purposes in planning decisions. On the major development test, there is a shift from should ‘be refused’ to ‘should only be supported.’ The proposed changes also seem to treat “exceptional circumstances” and “public interest” as one requirement rather than two separate and sequential tests. These changes are subtle but could be significant in legal tests.

On the positive side, the draft introduces the wording 'natural beauty' for the existing 'scenic beauty,' which more closely aligns with the statutory purpose.

These initial views on Policy N4 have already been informally fed back to DEFRA through the Heads of Planning Group/Lead Planning CEO.

- **Policy M3 – Assessing the Benefits of Minerals Development.** There is an important change to the weight to be given to the benefits of development proposals for minerals extraction. Currently, national policy is to give this “great weight,” and the draft NPPF substitutes the word “substantial” weight – intending to be the same level. However, footnote 41 caveats this by stating that such weight applies – other than for development involving peat, coal, or onshore oil and gas extraction, to which this policy does not apply. This is a significant policy shift which is to be supported. Clarification should be sought as to whether this applies also to onshore oil and gas appraisal as well as extraction, and our response should suggest that the word extraction be replaced with “development,” which would cover all aspects (exploration, appraisal, and extraction/production).

5. Financial and staffing implications

5.1 None.

6. Contribution to National Park Management Plan

6.1 No direct contribution.

7. Legal and sustainability implications

7.1 No direct implications. The NPPF, once published, will affect planning decision-making in the National Park.

8. Recommendations

8.1 That Members note the comments in the proposed draft response and approve officers to send these to Government alongside their more detailed response in due course.

Contact Officer:

Name: Paul Fellows

Title: Head of Strategic Planning

01439 772524

Background documents to this report:

Appendix 1 – Proposed initial response to the draft National Planning Policy Framework.

Appendix 1 – Proposed initial response to the draft National Planning Policy Framework

5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree

Strongly disagree.

The current NPPF assigns great weight in connection to conserving and enhancing landscape beauty in National Parks, the Broads, and National Landscapes (paragraph 189) and also to decisions concerning designated heritage asset protection (paragraph 212).

The term ‘great weight’ implies that the decisionmaker must start from a position of strong support or protection, and any countervailing harm must be clearly justified to outweigh it. It is a powerful presumption in favour of (or against) something. The term implies that harm to a national landscape or heritage asset should be wholly exceptional, and mitigation should be put in place (these are also parts of the major development test). ‘Substantial weight’ means a ‘strong consideration’ or ‘significant factor’ that may outweigh other policies or material considerations. Our view is therefore that the term substantial weakens the level of weight from the existing “great.” We also feel that the explanation of this is not quite correct in that it is stated that there is no intention in the existing Framework to set a hierarchy – and yet when referencing weight, there are a number of terms applied in the existing NPPF which do suggest this, for example, great, significant and substantial. It is considered that the term “substantial” already has an established and accepted national policy meaning in the context of harm to heritage assets, and this could lead to some confusion.

This is also particularly concerning given that the draft suggests the removal of the reference to protected landscapes having the highest status of protection in relation to landscape and scenic beauty. This is considered to be an important and long-established national policy position which should be retained.

We note that substantial weight is to be used in policies HO7, E2, TC2, W3, W4, M3, L2, HC4 and P6. These are all ‘pro-growth policies’ encouraging new development. We would suggest that the term substantial weight can be used in these policies. There are then draft policies where substantial weight is used in ‘protective’ policies (N4 and HE6), where this phrase would replace ‘great weight’ (as set out in paragraphs 189 and 212 of the current NPPF). We would suggest that ‘great weight’ should not be changed for these two policies. The other three policies are on green belt (GB6 & 7) where the word substantial is used in the current NPPF (153), and DP3 on design.

6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree.

Partly agree. We have two suggestions:

The purposes are understandably 'pro-growth' but ignore that around a quarter of England is a protected landscape, and that most Spatial Development Strategies will cover such an area. Given that authorities producing Spatial Development Strategies will be under the enhanced duty to further the purposes of those landscapes and support the production and implementation of management plans, this seems an omission, especially as footnote 66 of the current NPPF (which cross refers to the 2010 National Parks Circular), sets out extant guidance on housing in National Parks. We would suggest an additional criterion:

"Promote development appropriate to the special qualities and statutory purposes of nationally protected landscapes."

That strategic water supply infrastructure is separated from utilities.

8) If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree.

Plans should run to a longer timescale (15-20 years) with a clear expectation that if circumstances change, a review would need to be done (as section 7a of the explanatory document suggests.) A 5-year review cycle would lead to 'perpetual review', which, as well as expending considerable time and resources, would also risk undermining areas where long-term certainty is needed – for example, on major infrastructure.

The previous set of Regional Spatial Strategies typically ran to this timescale. Former guidance (Planning Policy Statement 11 from 2004) stated that RSSs were not necessarily set in stone over their 15 to 20 year life span and that, should monitoring reveal that policies and strategy were not performing as anticipated, or where national policy had changed, a review should be undertaken. It also stated that a partial review could be undertaken.

There is also a risk that the way the standard method is calculated would trigger frequent reviews. A calculation based on housing stock would pick up the cumulative effect of new housing completions. Figures are therefore bound to progressively increase beyond these 370,000 figures unless the formula is changed, which would trigger a need for review. We would suggest a five-year review period for the standard method, to which spatial strategies could respond if needed.

22) Do you agree with the policy DM2 on information requirements for planning applications? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree.

Strongly agree. We understand the logic of having a national validation list.

We would suggest that a bat scoping survey (also known as a Preliminary Roost Assessment) should be added to the national list when there is a reasonable likelihood that bats may be roosting or foraging on a site.

We would also suggest that if the NPPF contains a national validation list and local lists are set out through policy in local plans, the legislative requirements for authorities to produce a list and amend it every two years could be dropped (Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

24) Do you agree with the principles set out in DM3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Agree – our only comment is that criterion f) seems superfluous given that it restates the principles of the plan – led system set out in legislation.

25) Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree.

Strongly agree, particularly the clarity that the price paid for land or option should not be a reason for departing from policy.

29) Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly agree – this would depend on the wording of the conditions, plus there should be flexibility for local planning authorities to still use their own conditions.

37) Do you agree to the proposed approach to development within settlements? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree.

Agree – though the benefits of approving development are likely to be outweighed by adverse effects, should not have to be substantially outweighed – the level of harm should be at the discretion of the decision maker and not predetermined to be substantial, as this would allow significant and potentially unacceptable levels of harm to important planning interests.

38) Do you agree to the proposed approach to development outside settlements? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree.

Partly disagree.

In effect, this continues to apply a strong presumption against development outside settlements, except for some forms of development, which are to be approved unless there are potential substantial adverse effects. We have some concerns that applying the principle that some forms of land use are acceptable lacks nuance and could lead to significant development in isolated areas. The long-established spatial principle of the English Planning system of development requiring a rural location to be acceptable should continue.

Firstly, this policy allows development unless there are adverse effects when assessed against the national decision-making policies in this Framework. As the draft NPPF cannot anticipate every local adverse effect, we would advise that this needs to be read ‘against the development plan and the national decision-making policies in this Framework.’ For example, the North York Moors has a specific policy covering ‘Remote Areas where a high level of development restraint operates to protect the special qualities of tranquillity and sense of remoteness which exist in the core area of the National Park.’

Secondly, part c) of the policy states permission should be granted for the re-use, extension, alteration, or replacement of an existing building, so long as the existing building is of permanent and substantial construction. This is similar to the requirements for ‘Class Q’ permitted development rights, which, outside Protected Landscapes, allow a change of use from an agricultural to residential use, which requires the building to be structurally capable of conversion.

This is a less stringent test than the current NPPF (paragraph 84), which allows reuse where new housing would reuse redundant or disused buildings, where they would enhance their immediate setting or where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

This is an issue for National Parks and Landscapes, as they usually take a more ‘heritage-led’ policy line on conversions in support of the first purpose. For example, Exmoor’s Local Plan requires that conversions protect character and that traditional buildings must retain historic fabric and features, Dartmoor’s Local Plan allows conversions to historic buildings, and the North York Moors Local Plan requires that buildings must be of historic or architectural interest. This policy would potentially allow modern farm buildings to be changed to residential use in Protected Landscapes, undermining spatial strategy and conflicting with the national policy of limiting the scale and extent of development.

This is of particular concern as Section 93 of the Levelling Up and Regeneration Act is clear that where a development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy, which means Policy S5 would be applied over local policies aimed at reusing historically important buildings.

We are supportive of using existing buildings, which helps support local communities. However, we are concerned that this policy provides a very permissive approach to the conversion of buildings in protected landscapes, which are designated partly for their national historic landscape value and cultural heritage. In 2023, the former Government proposed applying Class Q (agricultural to residential) permitted development rights in National Parks and Landscapes (it had previously proposed to do this also in 2014). In response to this, National Parks England and the individual National Park Authorities provided evidence for why the introduction of Class Q would be highly detrimental to national park purposes. Whilst a planning application would still be required, there are national parks where there are significant numbers of disused barns. Conversions could undermine the purposes of National Parks – for example, the Yorkshire Dales, where there are 6,000 traditional farm buildings, including 4,500 field barns.

We accept that there is some degree of protection via Policy N4 (1). Ideally, a footnote could be included, e.g. Proposals for the reuse of buildings in Protected Landscapes will also need to demonstrate compliance with Policy N1. Alternatively, as a minimum, we would ask that the current NPPF paragraph 84 references to immediate setting and enabling development are retained.

39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons.

Partly disagree. In effect, this applies a strong presumption against development outside settlements, except for some forms of development, which are to be approved unless there are potential substantial adverse effects.

Part E allows for limited residential infilling. This potentially undermines the open countryside preclusion of houses outside settlements. There would also be considerable debate about what ‘limited’ means in practice.

The glossary definition of ‘settlement’ excludes hamlets and scattered groups of houses located outside predominantly built-up areas. Hence, Policy S1 requires development in settlements (excluding hamlets), and then Policy S2 appears to include infilling in hamlets. Most National Parks contain large numbers of small villages and hamlets. The North York Moors, for example, has around 106, of which 46 are villages identified as settlements. Including this criterion would seem to dilute the intention to concentrate development in or next to settlements and could lead to scattered development where residents would be reliant on the private car. We would therefore suggest it be deleted.

We also note that the ‘exceptional quality’ justification for isolated homes in the countryside (current NPPF paragraph 84e, also known as “Gummer’s Law”) has been removed.

48) Do you agree that the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

There is no specific question covering the setting of housing requirement figures in the 10% of the country that is covered by National Parks. With the proposed removal of footnote 66, which refers to the 2010 Circular, it would mean there is no national policy on how housing should be delivered in National Parks. The NPPG does state that National Parks should derive their own method of housing numbers but asks that it be done using the same information that makes up the 'standard method.' Our suggested changes are included in our response to Policy N4.

67) Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.

If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer.

We would prefer that the expectation that affordable housing contributions are provided on all sizes of site is retained, but with the flexibility that at the Local Planning Authority's discretion an off-site cash contribution can be taken in lieu, with a time prescribed 'cascade' that ensures that priority is given to using the sums raised to support first the delivery of rural affordable housing in the rural community where it was raised, followed by support for affordable housing in rural communities across the LPA and finally to support affordable housing anywhere in the Local Plan area.

77) Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. If so, which approach and value as set out in the narrative for policy HO10 of the consultation document is the most beneficial for government to set out?

Agree. We would support an approach that 'fixes' or provides certainty and the expectations of landowners when they are considering the release of land for affordable housing on rural exception sites. We would prefer that a figure of £10,000- £13,000 is used (this could be reviewed over time). For context, agricultural land values are typically £10,000 per acre across England, or £24,700 a hectare. Assuming 10 houses on a half-

hectare site, a £10,000 plot figure would return £100,000 against an agricultural land value of £12,350. This figure would be £123,500 if measured against five times the land value.

104) Do you agree policy M3 appropriately reflects the importance of critical and growth minerals? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. a) Please provide your reasons, particularly if you disagree.

There is an important change to the weight to be given to the benefits of development proposals for minerals extraction. Currently, national policy is to give this “great weight,” and the draft NPPF substitutes the word “substantial” weight – intending to be the same level. However, footnote 41 caveats this by stating that such weight applies, other than for development involving peat, coal, or onshore oil and gas extraction, to which this policy does not apply. This is a significant policy shift which is to be supported. Clarification should be sought as to whether this applies also to onshore oil and gas appraisal as well as extraction. We would suggest the word extraction be replaced with “development,” which would cover all aspects (exploration, appraisal, and extraction/production).

109) Do you agree with the approach to coal, oil and gas in policy M5? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree.

Agree. This policy sets out a more restrictive approach to onshore oil and gas. Our main comment is that proposals should not be approved unless they are in existing licensed areas. This seems meaningless, as no applications would be submitted without first obtaining a licence.

182) Do you agree that the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, including how the policy can be improved to ensure compliance.

Partly Disagree

Firstly, it is positive to see the wording ‘natural beauty’ rather than ‘scenic beauty’ being used, as this aligns more closely with our designations. We also support reference to special qualities.

However, in line with our response to question 48, we are concerned that:

This paragraph loses the statement that the highest status of protection for national parks should be applied.

The term ‘substantial weight’ rather than ‘great weight’ is applied. In our minds, this is a material difference. The term ‘great weight’ implies that the decisionmaker must start

from a position of strong support or protection, and any countervailing harm must be clearly justified to outweigh it.

The draft proposes the deletion of the current NPPF (December 2024) footnote 66 reference to the extant National Parks Circular (2010). The Circular provides a range of useful references to National Parks that we routinely refer to in our planning work. The fact that it was referenced within the NPPF (as well as the accompanying NPPG section on the 'Natural Environment') gave it weight in planning decision-making. With the proposed deletion of the reference to the Circular, we think applicants could argue that it has more limited weight as a material planning consideration.

There is a potential weakening of the major development test, which has served national parks well for many years and which has been a cornerstone of protection for our finest landscapes. There seems to be a subtle but potentially purposeful shift from 'be refused' to 'should only be refused,' which is quite significant, as this was the only example of national policy stating development "should be refused" as the starting point. This is followed by what could/should be asked for by way of mitigation or compensation. Further, the proposed change seems to treat "exceptional circumstances" and "public interest" as one requirement. Previously, legal advice on this policy has been clear that to meet the high-level requirements to allow major development, it had to demonstrate that it was both an exceptional circumstance and also in the public interest.

We would suggest that the current wording of paragraphs 189 and 190 is retained, and that if the footnote referring to the 2010 Circular is deleted, that policy in the Circular is included so that a second sentence is added to paragraph 189: 'In National Parks and the Broads, the expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services.'

189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree.

Strongly disagree

In line with our response to question 182, we are concerned that a shift from "great weight" to "substantial weight" is a weakening of policy.

The proposed wording risks weakening the effectiveness of heritage. Heritage is moved from Chapter 16 to Chapter 20, following the natural environment (Chapter 19). The chapter is more explicitly split into plan-making policies and decision-making policies, in line with the new NPPF-wide structure.

These risks dislocating heritage from design and placemaking, where it previously sat more comfortably. It reinforces a perception of heritage as a constraint topic rather than a design-led approach. There is also a language shift: from “significance-led” to “impact-led,” which could read as a move away from front-loading significance assessment toward managing effect.

The Current NPPF has a clear differentiation between substantial harm or total loss (the exceptional circumstances test) and less than substantial harm (weighed against public benefits). This should be retained.

Item 12, Plans list

Item 1, NYM/2025/0214

Additional third party comments - Dear Members of the Planning Committee,

I submit these additional representations in respect of the final committee report dated 29 January 2026 relating to application NYM/2025/0214.

Unenforceable parking assumptions

The report’s conclusions on highways and parking rely on mitigation that cannot realistically be secured or enforced, contrary to Policy CO2 (Highways) and Strategic Policy C (Design).

The report assumes that garages will be used for parking and therefore that on-street parking pressure will not increase. This assumption cannot be relied upon. Condition 5 sets minimum internal dimensions only; it does not, and cannot, require garages to be used for parking or prevent their lawful use for storage or other domestic purposes. There is no realistic mechanism to monitor or enforce garage use over the lifetime of the development.

The parking capacity relied upon in the report is therefore theoretical rather than realistic.

On-street parking impacts on Eskdaleside

This is a material issue given the Highway Authority’s acknowledgement that Eskdaleside already experiences significant on-street parking pressure.

Any loss of frontage parking, combined with garages that cannot be relied upon, will inevitably displace vehicles further along Eskdaleside. This will increase obstruction and conflict and is likely to worsen pavement parking, to the detriment of pedestrians and other highway users. These impacts have not been properly assessed.

Construction parking not resolved

The report does not identify where construction vehicles, deliveries, or site operatives would lawfully and safely park. Instead, this issue is deferred to a future Construction Management Plan (CMP), without any indication of how parking would actually be accommodated.

A CMP cannot create parking space, reserve on-street parking, or restrict the lawful parking of existing residents. Given the constrained nature of Eskdaleside, construction parking would inevitably displace residents' vehicles and obstruct the highway.

Deferring this fundamental issue to a future applicant-authored document is unlawful. Decision-makers must have sufficient information on the main impacts before granting permission (*R (Kides) v South Cambridgeshire DC* [2002] EWCA Civ 1370).

Visibility splays: direct contradiction between advice and conditions

The Highway Authority's consultation response states that it does not anticipate any significant loss of existing on-street parking on Eskdaleside. It relies on an observation in Manual for Streets 2 that parking within visibility splays in built-up areas is common.

However, Conditions 22 and 23 require the visibility splays at both accesses to be kept clear at all times. This necessarily means that all/resident parking must be prevented within the visibility splays.

The position taken in the highways consultation and the position imposed by the conditions are therefore directly contradictory. Either parking continues within the splays, in which case Conditions 22 and 23 cannot be complied with, or parking is prevented, in which case there will be a clear loss of existing on-street parking that the Highway Authority states will not occur.

As a Construction Management Plan cannot impose parking restrictions, the report provides no lawful or practical mechanism for preventing parking within the visibility splays without a Traffic Regulation Order, which would require a separate statutory process and public consultation.

This contradiction is fundamental and undermines the conclusion that the proposed visibility arrangements are deliverable, enforceable, or safe in practice.

Conclusion

Taken together, the report relies on assumptions about parking behaviour and conditions that cannot be controlled or enforced, such that the proposal fails to demonstrate safe and deliverable highway arrangements. As garage use cannot be required, visibility splays under Conditions 22 and 23 are accepted as likely to be obstructed, and construction and existing resident parking cannot be controlled or resolved through a Construction Management Plan, there is no enforceable basis on

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which Members can conclude that highway impacts are acceptable, and the application should therefore be refused.

Danuta Cass, 2 Eskdaleside, Sleights - While I accept that all parking requirements have technically been met in the developer's plans, the problem is the difference between theory and practice. Theoretically, all cars belonging to the new properties would park in the allotted spaces, but in practice, at least some of these cars or the visitors to the properties will park on Eskdaleside. The introduction of the access road in itself would cause a reduction in spaces available for current residents and visitors to the church, local houses, toilets etc.

The Planning Committee necessarily deal with the 'theory' of a situation, while local residents then have to face the 'practice' in the longer term.

So, I continue to object to the application in its present form.

As a number of neighbours have stated in their submissions, there is no objection to building on that site in principle and a smaller development with integral parking could alleviate some of the issues expressed by neighbours - the additional parking on Eskdaleside, proximity to existing properties so they are overlooked, and access to the site by contractors' vehicles.