



YORKSHIRE GARDENS TRUST

President: The Countess of Harewood

Vice-presidents: Lady Legard, Peter Goodchild, Nick Lane Fox

www.yorkshiregardenstrust.org.uk

Owen Richards

planning.teamenquiries@york.gov.uk

conservation@yorkshiregardenstrust.org.uk

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Dear Owen Richards

24/01660/FUL Siting of temporary structure (tipi bar) for a period of up to 14 weeks - retrospective

Thank you for consulting The Gardens Trust (GT) in its role as Statutory Consultee in relation to the application to erect a Tipi in the Museum Gardens, a site included by Historic England (HE) on their Register of Parks & Gardens at grade II. The Yorkshire Gardens Trust (YGT) is a member organisation of the GT and works in partnership with it in respect of the protection and conservation of registered sites and is authorised by the GT to respond on GT's behalf in respect of such consultations.

This retrospective application focuses on safe working in the vicinity of *Fagus sylvatica* 'Miltonensis', the Pear-barked Beech, under the canopy of which Thor's Tipi is placed. The application does not adequately assess the significance of the tree and its environs and makes statements that contradict information previously given by the applicant.

1. The significance of the Pear-barked Beech

The Pear-barked Beech is an important tree in the Museum Gardens and nationally. The 'Miltonensis' form derived from a weeping Beech found in the grounds of Milton Park, Northamptonshire, and was first described in 1837.¹ York's tree (at about 150 years old) is one of the earliest examples, and is likely to have been supplied privately, since they did not become commercially available until 1899. The International Dendrology Society notes of the form's origin and of the York tree that 'it was reported that Mr Henderson, the very intelligent gardener, has propagated it by grafts. ... Despite Hatch's claim that it was not introduced to the trade until about 1899, Bean says that trees under this name were supplied to Kew from James Booth of Hamburg in the 1870s ... [with] the rough bark that gave it the name Pear-barked Beech. This is a feature of the very fine tree in the Museum Gardens in York that is recorded as 'Miltonensis' and may have been supplied by the Backhouse nursery in the city'.² The tree does not appear on the 1852 OS town plan, but is clearly shown on the 1892 OS town plan, as a mature tree, confirming its early acquisition date.³

2. Other significant trees in the vicinity of the site

The Arboricultural method statement notes that:

1.5.7 It was confirmed that there are no designated ancient woodlands or veteran or ancient trees within the survey area.

The latter part of this statement is incorrect. The Veteran Tree Inventory shows that there are a veteran Ash (*Fraxinus angustifolia* 'Lentiscifolia') and a veteran Hornbeam (*Carpinus betulus* 'Incisa') close by. The Trust

itself publicises the information that the Pear-barked Beech, Willow-leaved Ash and Cut-leaved Hornbeam are significant trees, recording them as county champions:⁴

Pear barked Beech - Fagus sylvatica ‘Miltonensis’

This tree is made from two trees grafted together. A distinctive line can be clearly seen about 2 metres up the trunk of the tree. You can see the difference in the rough bark of the Pear, on top of the Beech bark which is smoother. Many trees in the garden have been grafted but this example is particularly interesting as it is such a rare experiment. The height of this champion tree is 19m and the girth is 2.89m.

Willow leaved Ash – Fraxinus angustifolia ‘Lentiscifolia’

This very tall specimen is one of the most noticeable trees in the garden. It stands at 24m tall and has a girth of 3.58m. This particular tree is beginning to decline – you can just see the very top branches starting to decay.

Cut leaved Hornbeam – Carpinus betulus ‘Incisa’

This champion has a very contorted shape. Its canopy hangs very low. Its height is only 13m where a typical Common Hornbeam would grow up to 25m. It has a girth of 2.14m. The trunk of the tree is hollow which gives it character.

These quotations show the information the Trust publicises that makes these trees significant on a more than York level. For the Hornbeam and the Ash, the Trust’s website notes the features which give them national veteran status.

3. Root protection area (RPA)

The table illustrates the RPAs required for the 3 relevant trees.

Tree	Girth	Diameter	Minimum RPA radius*		
			12 x	15 x	+ 5 m
Beech	3.33 m	1.06 m	12.72 m	15.90 m	
Ash	3.75 m	1.19 m	14.28 m	17.85 m	22.85 m
Hornbeam	2.5 m	0.79 m	9.48 m	11.85 m	16.85 m

* Government standing advice reproduced by The Woodland Trust recommends a minimum RPA of 15 x diameter with a buffer zone of 5 m beyond the canopy for veteran trees if that is the larger figure.⁵

The table shows that the Tipi and its associated outbuildings (including the green and pink mobile café waggon that sits in this area all year) are within the RPAs and/or buffer zones of all three trees.

The Arboricultural method statement notes at 4.2.1 that ‘The temporary structure is within the exposed RPA of retained tree T1’ and on the ground it is clear that the RPA of the Beech is invaded by the Tipi and its outbuildings. The fence and protection boards are well within the canopy and RPA of the tree; and the canopy (‘drip line’) of the Beech overhangs the Tipi outbuildings (by some considerable margin), and the Tipi itself.

Similarly, the Tipi site is within the RPAs and buffer zones of the two veteran trees, these RPAs having received no consideration either by the application or in practice on the ground. Further, the green and pink café waggon is currently sited directly under the Ash.

4. Visibility

The original application claimed that the Tipi was ‘easily visible through lighting to lead the visitors to the entrance’. The August 2025 planning statement says that ‘The site is obscured from Museum St by trees set within the prairie border which runs between the path and the walls. This site also means that once visitors have passed by the Tipi and continue into the main body of the Garden, the tipi is not visible’.

To test these statements, I walked around the outside of the gardens in daylight and darkness, and around all the principal paths during the day. The original application’s claim that the Tipi could be easily seen from the

Museum Street entrance is correct. It can also be easily seen from the park and ride bus stop, from York City Rowing Club on the opposite bank of the Ouse, and from Judy Dench Walk. The claim that the Tipi cannot be seen from inside the Museum Gardens is not correct. It is easily visible from the rock garden and all the way past the Museum building; from the Museum Street entrance and around the riverside perimeter, including the view that encompasses the Observatory.

The August planning statement further says ‘Given the time of year of the Tipi’s operation the Gardens are dark / beginning to get dark from 15.00hrs and the weather is rarely conducive to more than using the “commuter” route through or for a brisk walk round. This means that the impact is minimal.’ The original design and access statement held that the experience of the first year of operation (before planning permission had been applied for) showed that ‘during the time the Tipi was open numbers to the Museum increased.’ My experience is that, right through the autumn and into the New Year, York is filled with day and longer-stay visitors who pay lingering visits to the Museum Gardens to experience their unique combination of award-winning, long-established, mature botanic gardens and ancient monuments spanning the Roman to medieval periods, plus a distinguished early 19th-century museum building. I am not the only York resident who walks through and around the Gardens regularly, enjoying the skill and craft of the gardeners, and the delight of visitors who take many photographs to record perhaps their only visit to this unique site. The visual impact of the Tipi is substantial and sustained.

5. Remediation of grassland/lawn

CYC’s Landscape Architect has advised that she would have ‘No objection – provided:

- i) robust evidence is submitted (before determination) to show that there would be no risk of harm to adjacent trees; and that underlying grassland would be restored.

We understand this to mean that the whole area under the Tipi should be restored to lawn (its pre-existing, permanent state) each year after the Tipi is taken down. The applicant evidently understands something different, since, throughout the 2025 growing season, the site was covered in bark chippings and accommodated the green and pink café waggon with a small number of tables and chairs. Along with CYC’s Landscape Architect, we think this is unacceptable, making a year-round visible alteration to the Gardens in a prominent location.

Moreover, covering the ground with bark chippings over a period of years will change the composition of the soil below, generally rendering it more acidic. I have seen no reference to a horticultural management plan that acknowledges this fact and sets out how, and at what cost, remediation will be effected once the Tipi’s 5-year term (if granted) expires. CYC’s Landscape Architect also sought confirmation of annual remediation through ‘sight of a grassland reinstatement method for the spring time following removal’. It is the case that the application purports to be for 14 weeks, including erection and de-install, not for a year-round change in the appearance and a probable longer-term change in the management of this prominent and important part of the Gardens.

6. Site suitability

Our advice, having regard to all the evidence, is that the site chosen for the Tipi is inappropriate and damaging.

- The Tipi and outbuildings are built on the RPAs of 3 significant trees, two of them veterans, all needing particularly careful management.
- The Tipi and outbuildings completely block access to and visibility towards one of the most important urban Roman structures in Britain, and a significant stretch of medieval York City Wall, both ancient monuments.
- The impact of the Tipi lasts for 12 months of the year, not the 14 weeks applied for.
- The Museum Gardens are registered by Historic England at grade II as gardens ‘which were designed to provide a setting for the Yorkshire Museum and the ancient monuments in its vicinity and to incorporate botanical gardens’.
- The Museum Gardens are advertised by York Museums Trust as ‘Established in the 1830s by the Yorkshire Philosophical Society, the gardens are famed for their fantastic collection of trees, shrubs, perennials and bulbs set against the stunning backdrop of the medieval ruins of St. Mary’s Abbey’.

- The visual impact and loss of grass cover already cause less than substantial harm to the significance of the RPG and this therefore does not satisfy the requirements of NPPF paragraph 212. The potential longer-term harm to the trees is likely to increase this level of harm.
- YCC should therefore consider NPPF paragraphs 213 and 215 in making its decision.

Yours sincerely

Chris Webb
Chair, YGT

cc. Kristof Fatsar, Landscape Architect North of England, Historic England; e-yorks@historicengland.org.uk;
Conservation@thegardenstrust.org; alison.allighan@thegardenstrust.org

¹ [Fagus sylvatica 'Miltonensis' - Cambridge University Botanic Garden](#); retrieved 30 December 2025.

² [Fagus sylvatica - Trees and Shrubs Online](#); retrieved 30 December 2025

³ OS maps online at <https://maps.nls.uk/>; retrieved 2 January 2026

⁴ [Champion Trees | York Museum Gardens](#); retrieved 30 December 2025.

⁵ [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK](#); retrieved 5 January 2026.