Yorkshire Dales National Park Authority

Planning Committee

14 October 2025

Applicant: Messrs Sowerby

Parish: Asby

Officer: David Jones

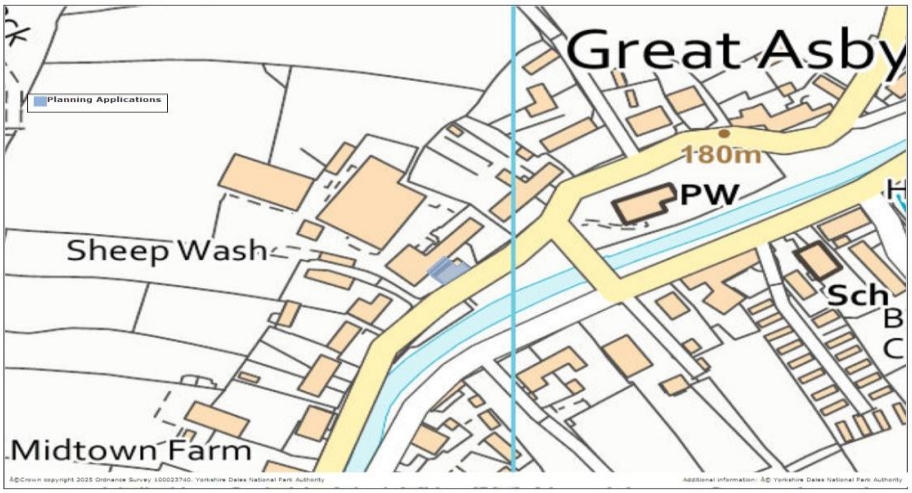
Application No: E/01/62A/LB

Site Address: Elm Tree Farm, Great Asby, Appleby-in-Westmorland, CA16 6HD

Proposal: Listed building consent to reduce eaves height of existing agricultural building and to reinstate pitched roof with a natural slate roof covering; to remove existing rendered lean-to at north east corner and to install new timber doors and windows in existing structural openings

Purpose of Report

1. That Members **Approve** listed building consent for the above development in accordance with the recommendations below.



Reason For Committee Consideration

2. This application is reported to Committee for the following reason: the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

Application Site

3. The site comprises a detached agricultural building, formerly a milking parlour, located to the front of Elm Tree Farmhouse, and adjacent to the main thoroughfare that runs through Great Asby and out towards the southwest.

4. Opposite the road, to the southeast, is an open area of grass and the Asby Beck, and to the south is a two-storey dwelling at the end of a row of houses, Smithy End. To the southwest and northeast are tarmacked areas associated with Elm Tree Farm. Beyond this, to the southwest is a detached two-storey dwelling, Ivy House, and immediately after is the grade II listed building White House. To the northeast of Elm Tree Farm is a two-storey dwelling, Bridge End House, which is at the end of a row of dwellings. Further along the road to the east is the grade II listed St Peter's Church, and the site is approximately 55m distant from the grade II listed lychgate at the west end of the churchyard. The site and the surrounding area forms part of the Great Asby Conservation Area.

5. Elm Tree Farmhouse is a two-storey dwelling in the same ownership as the farm which occupies land and buildings to its southwest and northwest (rear). The Farmhouse is grade II listed, and is described in the National Heritage List for England as being of late 17th Century date, with an attached 18th Century barn/byre to its left (southwest) and a 19th Century kitchen added to the right of the main house.

6. In front of this main range of buildings is the building subject to this application, which is understood to have been constructed in the second half of the 19th Century, and more recently in the 20th Century used as a milking parlour. Internal and external alterations have incrementally occurred, including the erection of a lean-to extension on its northeast gable. The building falls within the curtilage of the listed building and is treated as being curtilage listed in accordance with s.1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Works were carried out to the building between 2023 and 2024 to remove the corrugated roof sheeting and underlying modern roof structure, and the gable walls to either end (facing southwest and northeast) were also reduced in height. This resulted in the loss of each gable, including the hoisting doors to the upper half of either gable wall, each being associated with the former hayloft. These works did not benefit from prior listed building consent, and although it is understood that there were concerns from the applicants regarding the structural condition of the gable walls and the condition of the roof structure, it is considered by officers that the works constitute unauthorised work to / partial demolition of a listed building.

Proposal

8. Listed building consent is being sought to rebuild the building to an altered design that reinstates the pitched roof with a natural slate roof covering, and compared to the how the building was prior to 2023, with a reduced eaves height. The result would be a reduction from a two-storey height and internal arrangement, to a single-storey building. In addition, the proposal involves the removal of the existing lean-to and to install new timber doors and windows in existing structural openings.

9. The use of the building would remain solely agricultural, with two implements stores indicated on the proposed floor plan, accessed from doors on both gable ends and with an internal door between these rooms.

10. An application for planning permission (E/01/62) has been submitted alongside this planning application, to seek necessary consent under the Town and Country Planning Act 1990 for this proposal.

11. Pre-application advice was sought by the applicants, and officers provided a response in April 2024.

12. During the course of the current application, following responses from consultees and members of the public, the proposal had been changed to that of a substantial demolition, which would have only left parts of the building as boundary walls. However, the application has subsequently reverted to the original proposal, following the second round of consultation and discussion with planning officers.

Relevant Planning History

13. The following application is relevant (there is no other known planning history for this site):

    E/01/62 Full planning permission to reduce eaves height of existing agricultural building and to reinstate pitched roof with a natural slate roof covering; to remove existing rendered lean-to at north east corner and to install new timber doors and windows in existing structural (elsewhere on this agenda)

Consultations

14. The comments of statutory and non-statutory consultees are summarised below:

Original / current proposal:

Asby Parish Council – Objection “Asby Parish councillors have reviewed the planning submission from Elm Tree Farm. We also discussed the proposal in the Parish Council meeting of the 01st May 2025. We object to the rebuilding of the agricultural building in any way or form. The Parish Council believe that re-building the structure is not in keeping with the existing village landscape. The remains of the agricultural building should be demolished to reveal the views of the Grade 2 listed farmhouse, which is the real reason for the property being Grade 2 listed.

1- The agricultural building detracts from the village scene in both its original and proposed forms and is a blot on the main route through the village and obscures an interesting 17th century listed farmhouse from view.
2 - The existing building is out of character with all other buildings and mars what should be a traditional village landscape.
3- The proposed building is not in keeping with any of the surrounding buildings.
4 - There has not been a single positive comment to the parish council about the proposed structure from members of the public.
5 - The proposed building would be just a modern rendering of an ugly building lacking any architectural merit or empathy for its surroundings.
6 - The proposed building will continue to restrict the sight line on a curve as the road narrows.

In summary, there is not a single good reason to approve the proposed building and the village would benefit greatly if the building was completely removed, thereby revealing the original 1691 farmhouse. This position has also been supported by other complaints received from Parishioners who live in Great Asby, at our recent public meeting on 1st May.”

Senior Listed Buildings Officer No objection, subject to the recommended conditions (stone slates proposed to be used to be approved by the LPA; repointing works to masonry to be carried out using lime mortar; and the existing blocked former doorway (NW elevation) to be retained in-situ).

Superseded proposal to demolish:

Asby Parish Council – Support “…supports the revised proposals to demolish the existing part demolished building, and reinstate a low wall and dividing wall as shown on the proposal plans.

This is consistent with the reasoning for objecting to the original proposals to reinstate the building at a lower level and retain, for the reasons previously given.”

Senior Listed Buildings Officer – Objection The proposed works would harm the significance and immediate setting of the listed building and result in the irreversible loss of historical fabric.

The building is of traditional construction, is within the curtilage of the listed building, and contributes towards our understanding of how the site was used and developed over time historically, in order to meet the evolving needs of the farm. It contributes towards the significance and the setting of the listed building.

Considering the almost total loss of the curtilage listed building which would result from the proposal, there is inadequate information provided by the applicant regarding its significance, the contribution it makes towards the significance of the listed building, and the impact of its demolition upon that significance. Demolition of the building will harm the historical character and significance of the listed building and its immediate setting, and will result in the permanent loss of a historical part of its curtilage.

The justification given for its demolition is to open-up the southern aspect of the main part of the listed building and improve ventilation and natural light to the main house and byre. However, this would have been achieved to some degree through the previous proposal, to reinstate a lower pitched roof to the milking parlour, and this would have been a much less harmful option in terms of the loss of historical fabric and character.

Recommend that the previously proposed works involving reinstatement of a pitched roof over the former milking parlour is pursued.

The Victorian Society – Objection. “Since a milking parlour and a byre are intrinsically related through their use in dairy farming and given the location of the milking parlour to the byre, this indicates a level of historic use that makes their association key to understanding the whole site.”

“The milking parlour is a positive contributor to its setting, using a local stone in its construction and helping to create the agricultural character of the streetscape and immediate area. The milking parlour has fallen into disrepair and this application seeks permission for its demolition, leaving the byre and cottage to face directly to the road. The Society raises concerns over this scheme due to the lack of detail, potential harm to the significance of a listed building (and wider national park) and the speed of dilapidation.”

“The National Planning Policy Framework highlights the need for ‘clear and convincing justification’ (2024, paras. 212-215). … This proposal would harm the significance and special interest of a listed building, and this harm needs to be identified, assessed and measured against any potential benefits of such a scheme. The impact this proposal would have on the surrounding setting and other listed buildings in Great Asby, namely the nearby Old Rectory (Grade II*), Church of St Peter (Grade II) and the associated Lych Gate (Grade II), which all have a direct view of the milking parlour.”

Historic England “Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.”

Public Responses

15. A site notice for the original proposal was displayed on 6 May 2025 and expired on 28 May 2025. A subsequent site notice for the demolition proposal (since superseded) was displayed on 21 July 2025 and expired on 11 August 2025.

    A total of 12 public responses to the listed building consent application have been received at the time of writing. A further 20 responses to the planning application (E/01/62) have been received, 12 of which from persons who have also made a representation to the listed building consent application.

Original / current proposal to rebuild:

No responses have been received in support. 11 responses have been received in objection, which are summarised as follows:

- Proposal will result in a building of modern style / Little detail of the type of wooden windows or natural slate to be used
- Building has no historic value to the village and not in-keeping with the other buildings around it and is relatively ugly and built of less quality materials
- Building no longer serves a useful purpose and not able to be re-purposed without extensive rebuild and fit-out
- Demolition would open up view of the farmhouse and byre, which have a prominent place in village centre
- Demolition would benefit the conservation area
- Demolition would facilitate any future renovation of the listed building
- Demolition would create better lighting, parking, access, and garden areas for the house.

Superseded proposal to demolish:

1 response was received in support, which is summarised as follows:

- Support proposal to demolish, but it should be clear that the concrete window sills should be removed and that coping on top of walls should be specified (best if the flags were a natural sandstone).

No responses were received in objection.

Assessment

Key Issues:

- Planning policy
- Heritage assets
- Parish Council comments
- Equality Act

Planning Policy

16. The most relevant policies of the adopted development plan for the area, the Eden Local Plan (2014-2032) – as well as those of the emerging Yorkshire Dales Local Plan (2025-2040) – are described below. The Yorkshire Dales Local Plan (2025-2040) has reached a sufficiently advanced stage so that its policies may be afforded weight in decision making, in accordance with National Planning Policy Framework paragraph 49.

17. Policy DEV1 of the Eden Local Plan sets out the general approach to proposals. It is considered that provided the proposal complies with relevant development plan policies, and sufficiently accords with relevant emerging plan policies, then the principal of development can be established.

18. Policy CP2 of the emerging Local Plan states that proposals that significantly conflict with the statutory National Park purposes will not be permitted.

19. Policy DEV5 of the Eden Local Plan sets out design requirements. Proposals should demonstrate that is shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area, and reflects the existing street scene. Proposals should also optimise the potential use of the site. Proposed development should use quality materials which complement or enhance local surroundings and protect features and characteristics of local importance.

20. Policy ENV2 of the Eden Local Plan sets out criteria for the protection and enhancement of the landscape. Proposals should take account of and complement the distribution and form of settlements and buildings within their landscape setting, and local styles and materials of buildings within the settlement.

21. Policies CP6 and CP8 of the emerging Local Plan set out requirements concerning design and landscape. Design should accord with the principles of sustainability, the National Park purposes, and the adopted Design Guide.

22. Policy ENV10 of the Eden Local Plan concerns proposals affecting heritage assets such as listed buildings, curtilage listed buildings and conservation areas. The policy supports proposals that would better reveal the significance of the asset. The policy states that "proposals that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that the public benefits of the proposal would outweigh the harm or loss, and that the harm or loss is necessary to achieve those benefits."

23. Policy AB1 of the emerging Local Plan states that "Proposals that result in substantial harm to, or loss of, a grade II listed building, or a structure that makes a positive contribution to the character and appearance of a conservation area, will only be permitted in exceptional circumstances." And

"Where a proposal results in substantial harm to, or loss of, a designated heritage asset it must be clearly justified, demonstrating that:
a) there is no less harmful, viable option, and;
b) the amount of harm has been reduced to the minimum possible, and;
c) there are other significant public benefits that outweigh any harm caused."

24. Policy AB1 states also that "Proposals that result in less than substantial harm to a designated heritage asset will only be permitted where it can be demonstrated that the public benefits of the proposal clearly outweigh the loss of significance. The Authority will expect applicants to demonstrate that the harm is the minimum necessary to facilitate the proposal."

25. Policy AB4 of the emerging Local Plan provides for proposals to adapt traditional farm buildings for the purposes of agriculture. It states that these "will be permitted where they prolong the viable use of the building for agricultural purposes; and retain the architectural, historical and archaeological significance of the building."

26. The application is assessed against these policies further in this report.

Heritage assets

27. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

28. Section 72 of that Act states that when exercising planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

29. Paragraph 209 of the NPPF states that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision." The Authority has photographic evidence of the state of the building over several years prior to the unauthorised works in 2023, which did cause damage and neglect to this curtilage listed building. The assessment of the application must be made on this basis, and not with the proposal assessed against the existing deteriorated state of the building, and the considerations in this report are duly made on this basis.

30. Paragraph 212 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation". NPPF Paragraph 213 states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." NPPF Paragraph 215 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

31. The Conservation Area Character Appraisal for Great Asby notes that "Most domestic buildings are now of two storeys. Of the two predominant forms, the earlier is a derivative of the 'long-house' form with both house and farm building under a continuous roof, often with a cross passage. This form can be seen at Elm Tree Old Farmhouse…" On the matter of layout, the Appraisal notes that "The dwellings and associated farm buildings tend to be located fronting onto, or occasionally at right angles to, the village street in a 'long house' (with dwelling and byre or barn under a single or continuous roof) or sometimes a courtyard form." The linear village green, which the site is close to, is noted as a positive contribution to the aesthetics and historic interest of the village. Other key characteristics identified include "Buildings front village street with some at right angles facing down the street" and "Mostly two storey buildings".

32. Whilst the building is of lesser significance to the main listed range of buildings, it is still of traditional construction, contributes towards the historical character and layout of the site, and towards the immediate setting of the listed building. It appears to have originally been a byre with hayloft above, although a garage door has been inserted to the south-west elevation at some point in the 20th Century, presumably when the building ceased to be used as a byre.

33. It is proposed to reinstate a dual-pitched roof over this building, albeit at a lower level with lower eaves height, and with a stone slate roof as opposed to the previous corrugated sheeting. The two former hoisting doors to either gable will not be reinstated, due to the lower height of the proposal and the resultant lack of space in the rebuilt section of wall. It is considered that this will affect the character and appearance of the building by lowering its profile and removing evidence of its former hayloft, and thus will result in some less than substantial harm to the significance and setting of the listed building.

34. By way of justification, the applicants state that the lower height of the roof will create better conditions in terms of outlook and natural lighting for the future re-use of the main listed barn behind it. The proposal will also reinstate a natural stone slate roof to the building, and result in it being made structurally sound and watertight again, and enabling it to be put into new use as a store.

35. It is considered that, on balance, the proposal will reinstate some of the former appearance of the barn, and will result in some enhancement by introducing a more traditional, sympathetic roofing material. It will result in the more significant part of the listed building behind it being more clearly visible from the public highway, and will make the future re-use of these buildings more viable.

36. The conditions recommended by the Senior Listed Buildings Officer – that stone slates proposed to be used are first approved by the LPA; that repointing works to masonry is to be carried out using lime mortar with no cement; and that the existing blocked former doorway (northwest elevation) is to be retained in-situ – are considered necessary for a listed building consent.

37. During the course of the application, a revised proposal for substantial demolition was submitted, following the responses of the Parish Council and members of the public. In response to this revised proposal, objections were received from The Victorian Society and the Senior Listed Buildings Officer. The case officer requested that a substantially more complete heritage statement be submitted, however the applicants were not able to submit one prepared by a qualified heritage practitioner, and did not provide adequate information regarding the building's significance, the contribution it makes towards the significance of the listed building or the Conservation Area, and the impact of its demolition upon that significance.

38. The Senior Listed Buildings Officer has advised that the building is of traditional construction and contributes towards our understanding of how the site was used and developed over time historically, in order to meet the evolving needs of the farm. It is therefore considered that it contributes towards the significance and the setting of the listed building at Elm Tree Farm and that demolition would result in irreversible loss of historic fabric - which no condition such as historic building recording could adequately mitigate against - and that it would harm the historical character and significance of the listed building and its immediate setting, and will result in the permanent loss of a historical part of its curtilage.

39. The justification given for its demolition was to open-up the southern aspect of the main part of the listed building and improve ventilation and natural light to the main house and byre. Officers considered these possible benefits, and any other possible public benefits, considering the character and appearance of the Conservation Area, public and residential amenities, and highway safety.

40. However the benefits provided do not outweigh the harm, in accordance with paragraphs 212-215 of the NPPF and adopted / emerging planning policies. Furthermore, it is considered that these benefits can be achieved to some degree through the proposal to rebuild to a lower height. Following advice given to the applicants that officers do not support the demolition proposal, the applicants confirmed that the application is reverted to the original proposal.

41. Officers have considered what contribution the existing building – before its deteriorated state, in accordance with NPPF paragraph 209 – makes to the significance of the Conservation Area. On balance, and taking into consideration the content of the Conservation Area Character Appraisal, it is considered that the pre-existing (prior to 2023 unauthorised works) building provides a limited positive contribution. The linear village green is noted in the Appraisal as a key characteristic, and whilst the building interrupts the openness between buildings otherwise found in this part of the village, it does not interrupt the village green itself. The building is considered to represent visual evidence of the evolution of and historical agricultural activity in the village.

42. It is considered that the proposed rebuild would retain, with alterations of a sympathetic design and materials, and removal of the lean-to element which does not contribute positively to the Conservation Area, the existing building

and thereby preserve the existing character and appearance of the Great Asby Conservation Area and the settings of other listed buildings including the White House, the Lychgate and St Peter's Church. Conversely, a proposal to substantially demolish the building would not preserve the character and appearance of the Conservation Area, though the level of harm caused in this specific regard would be limited.

43. Accordingly, with the conditions recommended by the Senior Listed Buildings Officer applied to a consent, the application is considered to be in accordance with Policy ENV10 of the Eden Local Plan and policies AB1 and AB4 of the emerging Yorkshire Dales Local Plan.

Parish Council Comments

44. Further to the objections and comments received from Asby Parish Council to the original proposal, the case officer agreed with the applicants to explore a revised proposal to substantially demolish the building. Revised details were submitted and consulted on, and responses included support from the Parish Council. However, as set out in this report, the application has reverted to the original proposal.

45. However having had a submitted scheme to demolish has been useful in understanding further the significance of the building, the level of harm that would result from its demolition and the limited justification and public benefits that the application could provide to possibly outweigh the harm. The responses received from the Parish Council have therefore now been considered in light of the aborted revision to the application and the other consultation responses received.

46. The applicants have confirmed that the proposal is now as what was originally submitted. There is therefore no live proposal to substantially demolish the building. Officers advise that the present application should not be refused on the basis of a possible alternative scheme, such as demolition, that is not being proposed by the applicants. The present scheme proposed by the application, for the reasons set out in this report, is considered to be acceptable on its own merits.

Equality Act

47. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

48. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

49. The proposal to rebuild the building as proposed in the application is considered to comply with the relevant policies of the adopted development plan and policies in the emerging local plan. The application further accords with the relevant paragraphs in the NPPF, including having been assessed in accordance with paragraph 209 which requires that the deteriorated state of the heritage asset should not be taken into account in any decision.

50. Officers note that an approval of this application will permit the applicants to carry out an acceptable and feasible rebuilding, which when carried out would then resolve the outstanding matter of unauthorised work to the curtilage listed building.

51. The associated planning application (E/01/62) is recommended for approval subject to conditions in a separate report to this committee.

Recommendation

52. It is recommended that consent is **Granted** subject to conditions including the following:

- Stone slates proposed to be used to be approved by the LPA
- Repointing works to masonry to be carried out using lime mortar
- The existing blocked former doorway (NW elevation) to be retained in-situ.