

PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990

**YORKSHIRE DALES NATIONAL PARK AUTHORITY
(Local Planning Authority)**

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR:
LISTED BUILDING CONSENT**

To: Miss R Heuck
Carter Jonas

Decision No: S/01/295/LB

The above named Authority being the Local Planning Authority for the purposes of your application received on 02/08/2017 for listed building consent to take down and rebuild stone chimneys on a like-for-like basis, incorporating Code 5 lead tray and new lime mortar and lime pointing at Galegarth Farm, Dent, SD665894 have considered the said application and have GRANTED Listed Building Consent for the proposal subject to the following Conditions:

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this notice.
2. The works shall be carried out in accordance with the details indicated in the following documents;
Application form
Design & Access Statement
Location plan
Site plan
All received 2nd August 2017
3. Prior to dismantling the chimney, detailed photographs of all elevations of the chimney stack shall be submitted to and approved in writing by the local planning authority . During dismantling each stone shall be marked with a unique number on its bedding side and then put back into its former location according to the arrangement shown in the approved photographic record.
4. All replacement stones shall match that of the type of natural stone, colour, dimensions and surface texture to the external finish of the existing chimney at the date of this consent or such other as may be agreed in writing by the Local Planning Authority.
5. Notwithstanding the details contained in the approved documents/drawings the pointing/mortar works hereby approved shall consist of; the use of a traditional NHL 3.5 lime mortar consisting of 1 part lime to 2.5 sharp sand with no additives and pointed flush with the masonry in accordance with a sample panel first submitted and agreed in writing by the local planning authority prior the works being carried out.

Reason(s):

1. To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 (4) of the Planning and

Date: 27 OCT 2017

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Designation

HEAD OF DEVELOPMENT MANAGEMENT

FOR NOTES AND RIGHTS OF APPEAL SEE OVERLEAF

RIGHTS OF APPEAL- LISTED BUILDINGS

NOTES

1. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until further approval has been obtained.
2. Attention is drawn to Section 8 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that DEMOLITION MAY NOT BE UNDERTAKEN (despite the terms of the consent granted by the Local Planning Authority) UNTIL NOTICE OF THE PROPOSAL HAS BEEN GIVEN TO HISTORIC ENGLAND ARCHITECTURAL INVESTIGATION SECTION, 37 Tanner Row, York, YO1 6WP, (using Form Stat E) and they have subsequently have either been given reasonable access to the building for at least one month following grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3.
 - (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building Consent for the proposed works or to grant consent subject to conditions, they may, by notice served within 6 months of the date of this notice, appeal to the Secretary of State for the Environment (The Planning Inspectorate) in accordance with Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and they will exercise their power in cases where they are satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.
 - (2) If Listed Building Consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Local Planning Authority a Listed Building Purchase Notice requiring that council to purchase his interest in the land in accordance with the provisions of Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 - (3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her. The circumstances in which such compensation is payable are set out in Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If you wish to exercise your right of appeal as mentioned above, you can do so online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

(listed building)

Continuation Sheet 1

S/01/295/LB

Compulsory Purchase Act 2004)

2. To define the plans and details that relate to this consent.
- 3, 4, 5. To ensure that the works can be carried out without detriment to the historic fabric of the listed building in accordance with policy L1 of the adopted Yorkshire Dales Local Plan (2015-2030) and Section 12 of the National Planning Policy Framework.

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

DCPermitRpt

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Application No:	S/01/295/LB	
District:	South Lakeland	
Parish:	Dent	
Applicant's Name:	The Executors of Juliet Frankland	
Grid Ref:	SD66508944	
Received by YDNP:	02/08/2017	Officer: Kerry White

PROPOSAL: listed building consent to take down and rebuild stone chimneys on a like-for-like basis, incorporating Code 5 lead tray and new lime mortar and lime pointing

LOCATION: Galegarth Farm, Dent

CONSULTEES

Dent PC	Dent PC fully supports the application
Senior Listed Building Officer	Some rebuilding may be justified on the east stack but insufficient detail provided to justify the rebuilding of the west chimney. Request further information to be submitted including a building conditions survey to show if there are other factors that are contributing to the damp issues.
Wildlife Conservation Officer	No objections.

PUBLIC RESPONSES

None to date.

RELEVANT PLANNING POLICIES

L1(15) - Heritage assets

OFFICERS' OBSERVATIONS

PROCEDURAL

The application has been publicised by: site notice dated 17/8/17, advert in West Moorland Gazette on 17/8/17).

The proposal has not been amended.

KEY ISSUES

(a) Impact on heritage asset.

Section 16 of the Town & Country Listed Building & Conservation Areas Act 1990 requires that the Local Planning Authority has special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Galegarth Farmhouse is a Grade II listed property situated on the north side of Brackensgill lane in Dentedale to the rear of the working farmstead. The two storey property dates from the early C18 it is white washed building with two regular coursed stone chimneys left without white wash. The roof is constructed in traditional stone slate. The agent has indicated that the property suffers from damp

with water ingress coming in through the chimneys. Their proposal to rectify this issue is to dismantle and rebuild both chimneys using the existing stones, lime mortar and incorporating a lead tray. The principal of wholesale rebuilding of the chimney has not been supported by the Senior Listed Building Officer, as the property appears to have other building repair issues which could also be causing damp problems though the property and the proposed works are not considered to be justified. A conditions survey of the property was requested but not supplied (a damp report was submitted).

Whilst it is unclear whether the existing damp problems are being caused by the condition of the chimneys and a more thorough assessment of the whole building is required, the proposal to re – build the chimneys in and of itself would not unduly harm the significance of the listed building. This is providing that the existing historic stone is re – used and re-laid to match the existing arrangement with the use of lime mortar. (Policy L1).

(b) Impact on wildlife.

The application has been submitted without a bat survey. The Senior Wildlife Officer has no objections to the proposed works.

PARISH COUNCIL COMMENTS

The Parish Council have supported the application.

ANALYSIS OF MATERIAL CONSIDERATIONS

The proposed works to rebuild the chimney are considered acceptable; having due regard to preserving the special character and interest of the heritage property. It is therefore considered that the proposed development accords with Policy L1 of the Yorkshire Dales Local Plan 2015 – 2030.

RECOMMENDATION

It is recommended that permission is granted subject to conditions.

Determination of this application is within powers delegated to Officers by virtue of the Authority's Scheme of Delegation and Committee Terms of Reference January 2015 (section C7).

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Signed by Case Officer _____ **Date** 26.10.17

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Principal Planning Officer _____ **Date** 27.10.17.