



Appeal Decision

Site Visit made on 19 May 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/E2205/W/21/3268773

The Ferry Inn, Appledore Road, Stone in Oxney, Tenterden, Kent TN30 7JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Withers-Green against the decision of Ashford Borough Council.
 - The application Ref 20/01452/AS, dated 16 October 2020, was refused by notice dated 18 December 2020.
 - The development proposed is Construction of a Free-Standing Retractable Awning within Existing Public House Patio Area to Assist with Covid-19 Social Distance Compliance Regulations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have assumed that the front porch, not referred to on the plans or supporting documents, would not be demolished but is to remain, enclosed by the awning.

Main Issue

3. The main issue is the effect of the proposed awning on the character, appearance and significance of The Ferry Inn and adjacent listed buildings and their landscaped setting.

Reasons

4. The Ferry Inn is a Grade II Listed Building with a paved forecourt to its front facing Appledore Road and a pub garden to its rear. To its northern side and set at right angles to face the pub forecourt is Ferry Cottage whilst to the south is Myrtle Cottage, both of which are also listed buildings. The site is located just to the south of a bridge over a watercourse called the Reading Street Sewer. Prior to construction of the bridge there was a ferry with a toll-gate; a board with a tariff of the tolls is attached to the front of the Ferry Inn. The site is in an isolated position within the countryside outside of any settlement and is on the edge of the High Weald Area of Outstanding Natural Beauty (AONB).
5. The proposal is for a free-standing demountable awning with an adjustable roof covering to be fitted close to the front wall of the Ferry Inn, but not connected to it. Its purpose is for the pub to be able to provide an outside service area with protection from adverse weather conditions as the internal floor area is of limited size. The structure could be removed if deemed unnecessary following the easing of Covid-19 restrictions; the proposal, however, does not seek temporary planning permission.

6. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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"*. The National Planning Policy Framework (the Framework) at Paragraph 193 states, *"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"*. The significance of the Ferry Inn, Ferry Cottage and Myrtle Cottage lie in their historic architectural detailing, best appreciated in views of their frontages, and in their setting in relation to each other and to the river crossing.
7. The awning would extend across virtually the full width of the front elevation to the Ferry Inn and with a depth of about 7.5m would also cover part of the adjacent Ferry Cottage. Its roof would tuck under the eaves to the Inn's first floor windows but would obscure its present fascia signs. Whilst the awning would be glazed allowing views out, it would nonetheless obstruct ground floor views of the Inn from the street including the wall mounted signs. Its modern design and form would dominate and detract from the historic appearance of the Ferry Inn and its setting as a listed building.
8. The proposal would thereby conflict with Policy SP6 and Policy ENV13 of the Ashford Local Plan 2030 (adopted 2019) (ALP) which promotes development with high quality design and which does not cause loss or substantial harm to the significance of heritage assets or their setting. There would also be limited conflict with Policy ENV3b of the ALP inasmuch as the awning would harm the collective appearance of the three listed buildings which form part of the distinctive character of this part of the AONB.
9. The harm arising to the significance of the designated heritage asset would be less than substantial. In these circumstances Paragraph 196 of the Framework requires the harm to be *"weighed against any public benefits of the proposal including, where appropriate, securing its optimum viable use"*. The appellant points out that the Covid-19 pandemic has undermined the Inn's business and that the proposal would help maintain its viability. Several representations have been made in favour of the proposal, some from customers, with many referring to the economic boost that the awning would provide. There remains uncertainty on how long pandemic restrictions will continue to apply. However, in my judgement, the considerable impact of the proposal on the setting of the listed building on its prime elevation would outweigh economic public benefits arising from the proposal, even if permission were to be granted on a temporary basis.
10. The Inn's rear garden also has tables and chairs and whilst this area does not benefit from level access or a westerly aspect, a weather covering here could be investigated as an alternative less harmful to the listed building's setting.
11. The appellant has drawn my attention to permission for a timber pergola at the Hooden on the Hill listed public house in Willesborough, Ashford as a design precedent for the proposal (reference 18/00081/AS). This is a smaller structure in relation to the size of the host building and being at the rear of the site does not affect its setting in the same way as the awning would affect the Ferry Inn.

Conclusion

12. I acknowledge that the proposed awning would not be attached to or physically harm the existing building and that as a demountable structure it could be removed when not required. But its large scale and siting in front of the principal elevation would adversely affect the character, appearance and significance of The Ferry Inn, and its landscaped setting with adjacent listed buildings. The proposal would be contrary to development plan policies, to the Framework and the statutory duty that seek to preserve the setting of such listed buildings. There are no material considerations before me to indicate that the decision on the appeal should be taken other than in accordance with the development plan.
13. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR