



Appeal Decision

Site visit made on 17 May 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/J3720/W/22/3292929

The Folly Public House, Folly Lane, Napton, Nr Southam, Warwickshire CV47 8NZ

- 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 Mark Roden against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/01554/FUL, dated 28 April 2021, was refused by notice dated 27 August 2021.
 - The development proposed is the construction of a temporary timber framed/clad building for use as an extension to the public house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the timber building had been completed. This appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area, including heritage assets; and, (ii) on flood risk.

Reasons

Character and Appearance

4. The appeal site is a large area adjacent to the Oxford Canal, it encompasses The Folly public house (PH), a Grade II Listed Building, its parking areas and the pub gardens. The site is primarily accessed via a narrow lane which crosses the canal by way of a steep humpback bridge, although access is also afforded from the canal tow path. The PH is set within a rural location with only very sporadic development nearby.
5. The PH is a two-storey, double fronted building in red brick with a clay tile roof. I understand from the evidence before me that prior to becoming a public house, it had been a farmhouse, and to the rear are a group of buildings that, I understand would have once formed the farmyard. On the main approach to the site, across the canal bridge, the PH is a prominent building and prior to the erection of the appeal building, would have been, along with the yard buildings, the first visible. I find that the significance of the PH stems from the

extent to which the legibility of its historic setting within a rural area close to the canal is still intact, and that the building itself retains many of its historic features. Collectively therefore, the legibility of the building's history, use and development as a public house is still readily afforded.

6. The site is also close to a further four Grade II listed buildings; Canal Bridge Number 113, Napton Bottom Lock, Napton Bottom Lock Cottage and Stable, and Canal Buildings. These buildings focus upon the canal and are clearly historically linked to its functioning. They are simple but prominent features and are the only other buildings that are directly read in relation to The Folly. I note that these buildings were listed for their group value, and I find that their significance stems from the extent to which the buildings, in their original setting and grouping, are still intact, as well as the legibility of their former uses and history. The canal itself has been identified as a non-designated heritage asset, I find its significance stems from its age, that it is intact and that its important historic use is still legible.
7. The development is a timber building with a light grey corrugated roof. It is located within the pub garden to the front of the site. On the elevation facing into the pub garden are a number of large windows and glazed doors, and there is a terrace which wraps around this side and the side closest to the PH. Although the materials may be similar to those used in agriculture, their employment, and the overall appearance of the building is modern and domestic in appearance. The building therefore is not sympathetic to the surrounding agricultural uses and sits as a jarring feature against the historic canal and public house.
8. Although I am mindful of the lay of the land and the row of trees between the appeal building and site accesses, the appeal building is nonetheless in a highly prominent position which is readily visible on the approach to the PH, both over the bridge and from the tow path. As a result of this, its size, and positioning forward of the PH, the timber building competes for importance with the PH.
9. Cumulatively the appeal building therefore affects the setting of all of the above mentioned listed buildings by way of being an intrusive and incongruous feature that affects the context of the canal and its associated buildings within an otherwise predominantly agricultural area. It also specifically harms the ready legibility of PH in important views and in its relationship with the nearby canal and its associated buildings.
10. Whilst I note that there was a large marquee within the PH garden at the time of my visit, this does not justify the harmful development set out before me. Moreover, whilst photographs have been submitted showing a barn in the location of the appeal building, I understand this was removed a significant time ago and I must consider the site as it is before me. It has therefore not been determinative in my considerations. However, as the surrounding area contains sporadic development and as the timber building is primarily seen only in close views, given the screening identified above, I do not find harm to occur to the wider Ironstone Hills Fringe Special Landscape Area as set out within Policy CS.12 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (the DCS).
11. Nevertheless, given the identified harm, the proposal would fail to preserve or enhance the setting of the listed building or the significance of the non-designated heritage asset. I am mindful of the scale of the development in

relation to the designated heritage assets and find that the harm caused would be less than substantial. However, the Framework is clear that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the development.

12. The appellant has raised that as a result of the Coronavirus pandemic restrictions on gathering inside buildings, the development is necessary to ensure the long-term viability of the PH. Moreover, should the PH fail the appellant submits that it would also harm the local economy.
13. However, whilst the PH may be an important contributor to the vitality of the local economy, no substantive evidence of this has been submitted. Moreover, at the time of writing, the above restrictions have been relaxed and indoor mixing is again permitted. It is therefore possible for the PH to resume their services inside the main pub building.
14. Given that internal service can resume, I find it unlikely that the loss of the appeal building would so significantly affect the viability of the PH that it should need to close. This is especially so as the appellant has referred to the previous use of marquees during the summer months. Therefore, and lacking any substantive evidence to the contrary, I attach this matter very limited weight.
15. Accordingly, I find that there is no public benefit cited which outweighs the considerable importance and weight I give to preserving the settings of the listed buildings and the significance of the non-designated heritage asset.
16. In light of the above, the development therefore conflicts with Policies CS.5, CS.8, and CS.9 of the DCS and Policy 4, Policy 6, and Policy 7 of the Napton-on-the-Hill Neighbourhood Development Plan 2018-2031 (the NDP). These policies collectively, and amongst other matters, require that developments are appropriate for their setting, reflect the character and distinctiveness of their surroundings and protect or enhance historic features, including the Oxford Canal.

Flood Risk

17. No details of the on-site drainage situation, both as existing and prior to development, have been provided. Therefore, although the pub garden forms a shallow bowl shape and is primarily laid to grass, I cannot be certain that the garden could, or now can, accommodate the drainage of any surface water.
18. The development, by way of its roof and associated decking, will have likely resulted in an increase in water runoff and a loss of permeability on-site. As I do not know how effectively the pub garden could accommodate the existing runoff, or any increase, I find that any such changes could have a significant and unacceptable effect.
19. In particular, given the close proximity of the site and the appeal building to the canal, there is a significant potential for any runoff and surface water flooding originating from the site to affect the stability of the canal embankment and walls to the detriment of its safety and usability.
20. I noted during my site visit that the guttering on the appeal building connects to pipes leading into the ground at the bottom of the building. I have not, however, been provided with any details of where these lead and I therefore cannot be certain whether this system is suitable.

21. Therefore, and lacking any evidence to the contrary, the proposal has the potential to unacceptably harm the safety and usability of the canal, by way of surface water runoff and flooding. This risk is unacceptable and consequently the proposal is contrary to DCS Policy CS.4 and NDP Policy 5 which require that developments prevent any increases in surface water runoff and flood risk.

Conclusion

22. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR