



Appeal Decision

Site visit made on 17 July 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2024

Appeal Ref: APP/P3040/W/23/3332122

The Old Wharf Building, Main Street, Hickling LE14 3AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr C Grice against the decision of Rushcliffe Borough Council.
 - The application Ref is 22/01907/FUL.
 - The development proposed is to retain existing open-sided covered area, bin store and permeable surface.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode for the address of the development on the application form relates to a different part of the country. I have used the postcode on the decision notice and which the appellant uses on the appeal form.
3. A revised National Planning Policy Framework (the Framework) was published in December 2023 after the Council made its decision. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.
4. It was apparent at my visit that some of the development has already taken place, such that the application is part-retrospective. I am required to consider and determine the development based on the scheme and the plans which were before the Council when it made its decision.
5. As the appeal site is located within a conservation area, there is a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing its character or appearance.
6. The development is also in close proximity to the Old Wharf Building, which is Grade II listed, known as "Canal Warehouse approximately 50 metres north north west of Wharf House"¹ (hereafter referred to as the Old Wharf Building). The Council's reasons for refusal do not specifically refer to the effect of the development on the setting of the Old Wharf Building.
7. However, I note that this matter is raised by interested parties. Moreover, under section 66(1) of the Act, in considering whether to grant planning permission for development which affects a listed building or its setting, I am required, as decision maker, to have special regard to the desirability of

¹ National Heritage List for England: list entry number 1235817

preserving the building or its setting or any features of special architectural or historic interest which it possesses. Both main parties refer to the close relationship between the setting of the Old Wharf Building and the Hickling Conservation Area (the HCA) and have given their opinions on the matter of the listed building's setting. I am satisfied that their interests are not prejudiced by my consideration of the setting of the listed building in my decision.

Main Issues

8. In light of the above, the main issues in this appeal are:

- Whether the development i) preserves the setting of the Grade II listed Old Wharf Building, and ii) preserves or enhances the character or appearance of the HCA, and
- The effect of the development on the openness or special character of the designated Local Green Space.

Reasons

Heritage assets

Special interest and significance of the heritage assets

9. The Old Wharf Building is a Grade II listed canal warehouse that sits on the southern bank of the Hickling canal basin on what was once the active Grantham Canal². According to the listing description the building dates from the late 18th/early 19th century, is 2 storeys of brick with pantile roof, which sweeps over a continuous rear outshut. It has small windows and in each gable there are large doorways with smaller doorways above. Over time the building has been restored and is currently in use as a tea room.
10. From the submitted evidence and my observations, the building's special interest and significance are largely derived from the building's architectural and historic interests that reflect its function as a canal warehouse building on the Grantham Canal providing important trade links and conveyance of goods between Nottingham and Grantham.
11. As defined in the Framework³ and pertinent to the appeal, the significance of a heritage asset can also be derived from its setting. The Framework goes on to define the setting of a heritage asset as the surroundings in which the asset is experienced, which may not remain fixed and may change as the asset and its surroundings evolve.
12. The Old Wharf Building sits fairly centrally on the southern bank of the canal basin to the northern edge of the village, which is largely open and undeveloped, save for the covered seating area and bin store that have been erected. The land and water immediately around the Old Wharf Building, which includes the development site, together with the building's wider canal basin context, comprise the main areas within which the building and its special interest and significance are experienced and appreciated. These primarily open and tranquil spaces with uninterrupted views are integral to

² The canal was completed in 1797 and ran between Grantham and the junction with the river Trent in Nottingham. The canal was officially 'abandoned' by an Act of Parliament in 1936.

³ Annex 2 : Glossary

understanding the building's function and relationship with the canal and hence its special interests. The building's setting therefore contributes in a very tangible and positive way to the building's heritage interests.

13. The Old Wharf Building also lies within the HCA at its northern edge. Hickling is a linear village, mentioned in the Domesday survey, with Main Street running broadly north-south along the whole length of the village. Most built development, comprising largely dwellings of a variety of designs, fronts either side of Main Street. Pockets of countryside come in to meet Main Street. The Grantham Canal and canal basin are at the northern end of the village. The village is surrounded by countryside, indicating the village's agrarian connections.
14. I saw that the canal, canal basin and the Old Wharf Building formed a striking and scenic composition of buildings and open space with a strong association with the canal adjacent to Main Street. This is formalised in the HCA Appraisal⁴ (the Appraisal) which describes the canal, canal basin and wharf building and yard as forming part of a distinctive character area (Zone 2 – The Grantham Canal, Hickling Canal Basin, Wharf Building and Wharf Yard, and The Plough Inn and Bridge View) that provides a focus for quiet leisure and the enjoyment of wildlife, and represents a positive open space where the countryside flows into the village and onto Main Street. There are also key views into and out of the area, which are identified on the Townscape Appraisal Map contained within it and in the Hickling Parish Neighbourhood Plan⁵ (the Neighbourhood Plan), which include views of the canal basin and the Old Wharf Building.
15. I find the character and appearance, and thus special interest and significance of the HCA, insofar as it relates to this appeal, are derived principally from its historic street pattern and the relationship of buildings and spaces that reflect the village's agrarian past and its evolution and economic prosperity in association with the arrival of the Grantham Canal. The 'landmark' Old Wharf Building and open Wharf yard and canal basin context within which it sits are important and integral components of the historic, social and economic evolution of the village. As such they positively contribute to the character and appearance of the HCA as a whole, and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

16. To the east side of the Old Wharf Building and fronting the canal basin an open-sided timber pergola has been erected. The nine vertical timber posts, support a flat corrugated roof and extends over an area of decking about 6.3 metres x 5.4 metres, on which there are a number of wooden picnic tables. The structure is relatively slimline and lightweight. However, it is more permanent than the umbrellas that can be put up over tables and removed each day. It is located in very close proximity to the listed building and at some 2.45 metres high introduces a large, poor quality, urban type built feature within the setting of the listed building, weakening the authenticity of experiencing the asset and the ability to appreciate its significance. These harmful effects are keenly felt from Main Street and the nearby canal towpath.

⁴ Hickling Conservation Area Appraisal and Management Plan July 2023 (Rushcliffe Borough Council).

⁵ Adopted March 2022

17. Furthermore, in providing a permanently covered seating area there is also the potential to intensify the extent and nature of the activity associated with the tea room use of the building, with consequential effects on the tranquillity of the site and setting of the listed building and thus the contribution the setting makes to the building's significance.
18. The bin store has been erected in the south east corner of the site. It comprises new tall wooden fence panels erected around the bins which are stark in their appearance. It is a sizeable structure, with the plans showing it to have an area of 3.8 metres x 2.4 metres and a height of some 1.65 metres. With its large size, considerable height and the visually stark nature of the close boarded timber, the structure is essentially permanent development within the setting of the Old Wharf Building. These factors combine to have a negative effect on the special interest and significance of the Old Wharf Building. I saw that some shrubs had been planted along the northern side of the bin store, but these will take some time to grow to a height that screens it. A condition to paint or stain the structure may address the stark appearance of the timber, but it would not overcome the fundamental objections to the size and form of this structure within a site which is highly sensitive to change.
19. The seating area and bin store have no effect on the physical fabric of the listed building. However, the proliferation of detached structures adds to the general paraphernalia and clutter around the building that disrupt and undermine how the listed building is experienced from within its immediate and wider settings. Thus the covered seating area and bin store structures diminish the ability to appreciate the building's heritage merit and lessen the positive contribution that its setting makes to its significance. Hence the structures fail to preserve the setting of the listed building and harm its significance as a designated heritage asset.
20. With regard the effect on the HCA, the Old Wharf Building and canal basin are identified as lying within a "significant panoramic view" and the land immediately surrounding it is identified as a "positive open space". The area is also recognised for its tranquillity and accessible location valued by the community and visitors. The Appraisal recognises that the area is sensitive to pressures, including the introduction of urban features and over development which risk undermining the rural character of the location. In addition, the Neighbourhood Plan also acknowledges the canal and basin as a key village focal point, such that under its Policy H2 views along the canal and the canal basin from Main Street are identified as 'locally important views'.
21. The structures within the setting and space around the Old Wharf Building introduce urban features to this fairly rural scene. Given the building's prominent location in the village and its importance to the canal and canal basin, the proliferation of structures around it detracts from identified protected and locally important views. This serves to diminish the positive contribution that the listed building makes to the HCA. Hence the covered seating area and bin store neither preserve nor enhance the character or appearance of the HCA as a whole and harm its significance as a designated heritage asset.
22. Surrounding the covered seating area and the existing community tennis-table there is currently grey gravel. Part of the proposed development would include replacing this with a plastic-reinforced grass - a system of plastic interlocking

grids that can be filled with gravel or grass to provide a permeable and hardwearing trafficable/walkable surface. The ground would need to be excavated out to allow the grid to be laid. Most of the area around the building is hardstanding of some kind, apart from some areas of grass immediately along the waters' edge and area to the east of the car park adjacent to Main Street. The rest of the car park is a mix of rough concrete and gravel. It is likely that the area surrounding the warehouse would have historically had hardstanding of some kind. Replacing the gravel with a grid to contain gravel would not significantly alter the appearance of the existing gravelled surface and would provide greater longevity.

23. A 1.2m high post-and-rail fence is proposed to be erected at the edge of the proposed grass-mat hardstanding area by the covered seating area. This would remove the ability to park vehicles immediately adjacent to the building, between it and the covered area. This would help retain the openness of the site and prevent the building being enclosed by parking.
24. I find the proposed hardstanding method and the small section of post-and-rail fencing would have a neutral effect. They would therefore preserve the setting of the listed building and would not diminish the contribution that the building's setting makes to its significance. It follows the proposed fence and hardstanding would also preserve the character and appearance of the CA and not harm its significance. Nonetheless a lack of harm in these regards weigh neither for or against the appeal.

Public benefits and heritage balance

25. I have found the covered seating area and bin store cause harm to the significance of two heritage assets. Paragraph 205 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. With reference to paragraphs 207 and 208, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed.
26. Given the nature and extent of the development that has taken place, I find the harm to both the significance of the listed building and HCA would be 'less than substantial'. Nonetheless these harms carry considerable importance and weight. Under such circumstances, paragraph 208 of the Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
27. In the absence of evidence to the contrary, it seems to me that the purpose of the covered seating area is to create more space for customers to sit outside to consume food and drink at the tearoom, particularly during inclement weather when the other outside seating may be less desirable. There would be some benefits to the local economy from encouraging more customers to patronise the tea room, although this might need to be tempered with over development, which various interested parties have concerns about. It has not been demonstrated that the retention of the covered seating area or bin store are required to secure the existing use of the listed building, or its use is at risk should the appeal fail.
28. I accept that the Old Wharf building has been restored and this would have helped enhance the appearance of the canal basin and helped preserve the

listed building. I acknowledge that permission has been given to change the use of the Old Wharf Building into a café, which I saw was popular with customers on the sunny morning when I made my visit, and as a result change has occurred.

29. However, the weight I ascribe to the limited public benefits is not sufficient to outweigh the considerable importance and weight I attach to the harm caused to the significance of the listed building and the HCA from the development that has been undertaken. Accordingly the covered seating area and bin store fail to preserve the setting of the Grade II listed Old Wharf Building and do not preserve or enhance the character of the HCA. The proposal thus fails to satisfy the requirements of the Act and the provisions of the Framework.
30. It would also not comply with Policy 11(1) of the LLP1⁶, Policy 28 of the LLP2⁷ and Policy H2 of the Neighbourhood Plan. Collectively these seek, amongst other things, to ensure that proposals affecting heritage assets are sympathetic to the character and appearance of the asset by reason of inter alia siting, scale, height, material, quality of detail, and that elements of Rushcliffe's industrial and commercial heritage, such as the Grantham Canal, are conserved and where possible enhanced.

Local Green Space

31. Policy H7 of the Neighbourhood Plan identifies the 'Canal Basin Hickling' as a designated Local Green Space. The extent of the designation would appear to also include the Old Wharf Building and the carpark and land immediately around it.
32. The Local Green Space designation is broadly described as green areas of importance to the community. Development that would harm their openness or special character or their significance and value to the local community will not be permitted, unless there are very special circumstances that outweigh the harm. Very special circumstances are listed as provision of appropriate facilities to service a current use or function; or alterations or replacement to existing building(s) or structure(s), provided these do not significantly increase the size and scale of the original building(s) or structure(s).
33. Appendix 3 of the Neighbourhood Plan further summarises the importance of each Local Green Space. The Canal Basin Local Green Space meets all of the selection criteria: is reasonably close proximity to the community it serves; being demonstrably special to the local community; local in character and not an extensive tract of land, and for holding particular local significance with regard to beauty, historic significance, recreational value, tranquillity and richness of its wildlife - the canal basin provides a tranquil green space and recreation area for walkers, cyclists and fishermen.
34. I saw the canal towpath being used by a number of walkers during my visit. I also observed there were benches along Main Street and on the north side of the canal basin for people to sit and enjoy the open space of the canal basin and water and its surroundings, which include the Old Wharf Building and there was an interpretation board explaining the history of the canal. There was also a general sense of tranquillity that pervaded the canal basin area.

⁶ Rushcliffe Local Plan Part 1: Core Strategy – adopted December 2014

⁷ Rushcliffe Local Plan Part 1: Land and Planning Policies - adopted October 2019

35. The covered seating area and enclosed bin store introduce sizeable structures, which take up space and vertical height on the land to the side of the Old Wharf Building. These serve to reduce the openness of the land around the Old Wharf Building and this side of the canal basin. As already described above, the appearance of the covered seating area and bin store are poor quality structures that are not sympathetic to neighbouring heritage buildings and surroundings. The covered seating area would likely encourage more customers to come to the premises, and lead to a possible over-intensive form of development that would detract from the special character and tranquillity of this protected space. This is particularly noticeable when one looks at the photograph of the canal basin and warehouse building in the Neighbourhood Plan (page 50) which then had a very open, undeveloped and even greater rural setting.
36. The structures may well service the current tea room use, but I have found them to be inappropriate. I have not been presented with very special circumstances that would outweigh the harm I have found to warrant allowing the appeal contrary to the development plan. Accordingly the covered seating area and bin store would not accord with LLP2 Policy 1 and Neighbourhood Plan Policy H7 which collectively seek to ensure development is sympathetic to its surroundings and neighbouring buildings and protects Local Green Spaces as already set out above.
37. For reasons similar to that described in the heritage section above, I find the hardstanding and the short section of post-and-wire fence would not harm the openness or special character of the Local Green Space. However, a finding of no harm in this regard weighs neutrally in the balance.

Other Matters

38. The Council refers to other listed buildings in the vicinity of the Old Wharf Building. The Grade I listed Church of St Luke⁸ lies to the south of the appeal site. The Grade II listed Rectory⁹ and Grade II listed 'Stables immediately north west of the Rectory'¹⁰ both lie close to the north of the church. From the evidence before me and my observations on site, the special interest and significance of these assets largely stem from their architectural and historic interests and in part from their rural village settings.
39. The Rectory and Stables are not visible from the appeal site and there is considerable separation distance and intervening development. The appeal site also sits well beyond the defined boundaries of these assets, as do most buildings in the village. Whilst the church tower is visible above the appeal site when viewed from the canal towpath and across the canal basin, it is read as part of the wider village backdrop. Given the nature and extent of the development undertaken and proposed at the appeal site, I consider that the settings of these other designated heritage assets would be preserved, and their significance is not harmed.

Conclusion

40. For the reasons above the appeal should be dismissed.

K. Stephens INSPECTOR

⁸ National Heritage List for England: list entry number 1264986

⁹ National Heritage List for England: list entry number 1227670

¹⁰ National Heritage List for England: list entry number 1265247