



Appeal Decision

Site visit made on 25 October 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/P3040/W/24/3346021

Old Wharf Tea Rooms, Main Street, Hickling, Nottinghamshire 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 23/01955/FUL.
 - The development proposed is Proposed use of a wide beamed canal boat for additional seating for existing tea room with associated additional parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form as it more accurately describes the appeal scheme.
3. The Council raises concerns with regard to development that it considers to be unauthorised being shown on the existing and proposed plans. These elements include a table tennis table, covered seating area, hardstanding to the rear of the building and the use of this space for parking of vehicles. However, my considerations are limited to those matters for which planning permission were sought through the application, namely the siting of a wide beamed canal boat and the provision of 5 additional parking spaces. I have determined the appeal on this basis.
4. The appeal site lies within the Hickling Conservation Area (the CA). The Old Wharf Tea Rooms building is also a Grade II listed¹ building and referred to on the National Heritage List as: '*Canal Warehouse Approximately 50 Metres North North West of Wharf House*', hereinafter referred to as the Old Wharf Building. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The Council does not find harm to the setting of the listed building in its reasons for refusal, however this is a matter of concern to interested parties. I nonetheless have a duty under section 66(1) of the Act when considering planning permission which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting.
6. Both parties consider the effect on the listed building in their evidence. I am therefore satisfied that neither party's interests would be prejudiced by my

¹ List Entry Number: 1235817.

consideration of the effect on the setting of the listed building in my decision in line with the statutory duty above.

Main Issues

7. The main issues are:

- whether the provision for parking is appropriate having regard to the development plan policies and the effect on highway safety and parking stress.
- the effect of the proposed development on heritage assets including whether it would preserve or enhance the character or appearance of the Hickling Conservation Area; and the effect on the setting of the Grade II listed building; and
- the effect of the proposed development on the openness and special character of the Local Green Space.

Reasons

Parking

8. Policy H18 of the Hickling Parish Neighbourhood Plan (2022) (the NP) relates to the Grantham Canal and Hickling Basin. It sets out that, in the interests of the quiet, recreational enjoyment of the Grantham Canal and Hickling Basin, that traffic implications are required to be fully assessed and addressed. Related measures that will need to be considered include traffic management and car parking improvements. Policy 1 of the Local Plan Part 2: Land and Planning Policies (2019) (the LPP2) states that planning permission for new development will be supported providing that the provision of parking is in accordance with advice provided by the Highway Authority.
9. Whilst there is a relatively wide pavement along Main Street, adjacent to the Hickling Basin, the carriageway is relatively narrow. On the site visit I observed a reasonably high demand for parking along this part of Main Street with several vehicles arriving and departing during the period in which I carried out the visit. This was despite it being late afternoon and there being available space in the car park at the appeal site, albeit with a number of vehicles parked to the rear of the Old Wharf Building, outside of the designated areas.
10. Vehicles along Main Street were parked end-to-end. On the site visit I saw some of those use this area to park and then walk along the canal. The area for parking along this side of Main Street is limited by both the bend in the road, its narrowness and the position of the access shared by the Old Wharf Tea Rooms and the Plant Hire business to the east.
11. Based on my impressions on the site visit, the evidence from third parties and the Council, and the appellant's own parking survey, it is clear that parking pressures and the demand for parking along Main Street is high. Main Street includes a public house (which has its own car park to the rear) and several residential properties some of which have limited or no off-street parking which will likely add to the pressure for parking.
12. I acknowledge that Main Street is subject to a high demand for parking from walkers unconnected to the tea rooms. Whilst there is a dispute between the parties as to the extent of which the tea rooms contributes to the demand for

on-street parking are present, it is nonetheless clear that demand for on-street parking is very high in this location. It is therefore important that any proposal that could potentially increase that demand is carefully considered in line with the planning policies set out above.

13. I am not provided with details of the number of covers that exist within the Old Wharf Building at present which has two floors, the second floor of which is solely dedicated to seating. I am also not provided with details of the number of covers that would be accommodated within the barge. Other evidence such as existing customer numbers or the number of anticipated additional customers are also not provided. This limits my ability to make a judgment on this matter.
14. Nonetheless, I saw a reasonable number of chairs and tables and bench seating within the building. I was also able to observe a considerable amount of outdoor seating arranged around the exterior of the building. The proposed barge would be a sizeable structure, comprising of an additional 30 square metres of internal seating. This space could accommodate a considerable number of tables and chairs, seating a high number of customers that, in turn, would likely generate a commensurate increase in demand for car parking at the appeal site.
15. The submitted drawings show 12 existing car parking spaces. There are 17 proposed spaces. The appellant has not provided any clear reasoning behind the precise number of additional spaces or details of how this would relate to the increase in demand arising from the additional number of customers capable of being accommodated within the barge.
16. The existing car parking spaces comprise of a group of 4 spaces to the east of the building and a line of 8 spaces adjacent to the southern boundary. I saw on the site visit that some bays were marked out with bricks set into the ground. There were 4 parallel bays marked out to the west of the building close to the site boundary with Main Street as shown on the existing plans. However, whilst the appeal proposal shows an additional space to be located here, it is difficult to see how this would be accommodated within the remaining green space, without intruding into the existing decked area to the west of the building. This leads me to doubt the accuracy of the proposed plans.
17. Nonetheless, even if I were to accept that the additional 5 car parking spaces could be provided within the site as shown on the proposed plans, it has not been adequately demonstrated that this would be sufficient to accommodate the increase in demand generated by the additional 30 square metres of floorspace.
18. The Highway Authority has referenced the Nottinghamshire Highway Design Guide which advocates a total of 22 car customer parking spaces for a use with the proposed internal floor area and an additional 2 spaces for staff parking. This would result in a shortfall of 7 spaces at the appeal site. This reinforces my above assessment. However, the Highway Authority confirms that this requirement is based on the existing and proposed floorspace and does not include the considerable numbers of outside seating at the appeal site. In that regard it is likely that the required number of spaces would be significantly in excess of that proposed.

19. At busy times, those that cannot park within the appeal site would inevitably seek to park on the surrounding streets exacerbating the parking stress that already exists along Main Street. The increase in demand would likely inconvenience local residents and cause additional obstruction to vehicles using these roads, which could impede the free flow of traffic and have implications for highway safety.
20. I therefore conclude that the proposed development would fail to accord with the development plan policies with regard to highway safety and parking stress. It would not comply with Policy 1 of the LPP2 or Policy H18 of the NP, set out above.

Heritage Assets

Significance

21. The Hickling Conservation Area (the CA) extends over the majority of the village and includes some of its rural setting. Hickling has a traditional linear form, running north-south with frequent areas where the surrounding countryside flows into Main Street, contributing to its rural character. Buildings typically comprise of Georgian and Victorian houses, cottages, farms and farmhouses, which often retain original features and boundary treatments, and are set within mature gardens. The Grantham Canal forms a strong relationship with the village as it flows through the Northern tip of the settlement, alongside the Plough Inn.
22. As set out in the Hickling Conservation Area Appraisal and Management Plan (2023) (the CAA), the Hickling Basin creates a strong focal point for the village and the community, whilst the Old Wharf Building serves as a landmark for the area, being prominently positioned next to the water. The area provides a focus for quiet leisure activities and for the enjoyment of the wildlife environment. Pertinent to the appeal, the character and appearance and thus the special interest and significance of the CA is derived from the linear arrangement of Georgian and Victorian buildings, the tranquil rural character, and the historic importance and strong visual influence of the canal.
23. The tea rooms is now operated from the Old Wharf Building and the rough surfaced parking areas lie to the south and east of the building which is accessed from Main Street. Grassed areas lie between the parking area and the canal basin, whilst a mature hedge forms the southern and eastern boundary of the appeal site. The space comprising of part of the canal basin, the historic Old Wharf Building, and the surrounding open space is a key element of the CA that reinforces its tranquil, rural character and is reflective of the historic, social and economic development of the village over time. Together these spaces are designated as forming part of a 'Significant Panoramic View' in the Hickling Townscape Appraisal, referenced in the CAA. This view is highly evident from Main Street where the Old Wharf Building is seen alongside the verdant canal basin with the tree-lined canal stretching into the distance to the east.
24. As set out in my assessment of the above main issue, the area around the appeal site is a focus of activity, owing to the popularity of the canal for recreation and the proximity of the pub and the tea rooms. In that regard, the CAA sets out that the canal basin is sensitive to adverse pressures, including increases in traffic and parking, the introduction of urban features and to over-

development which risks undermining the rural character of the location. Nonetheless, in my view, the tranquillity of the canal basin still pervades this space and the wildlife and verdant surroundings ensure that it continues to positively reinforce the tranquil rural character of the CA.

25. The Old Wharf Building is a brick building with a pantile roof that dates to the late eighteenth or early nineteenth century. Its high solid to void ratio and the arrangement of the fenestration with large ground floor gable doorways and smaller first floor doorways above are indicators of its former function as a canal warehouse.
26. The special interest and significance of the listed Old Wharf Building arise from its functional architecture and its historic interest as a canal warehouse building on the Grantham Canal. Lying immediately adjacent to the edge of the canal basin with an absence of surrounding built form, the building's significance is also intrinsically linked to its context. The parking area and the edge of the canal basin lies within the immediate setting of the building, whilst the building is readily experienced and appreciated in views from Main Street. In these views, the open rural setting of the Old Wharf Building alongside the wider basin area is fundamental to understanding the building's function and relationship with the canal and thus its special interest. The building's wider setting is therefore integral to its special interest and significance.

Proposals and Effects

27. A barge moored at the appeal site could be considered to be contextually relevant to its location within the canal basin and adjacent to the Old Wharf Building. However as set out above, the barge proposed would include 30 square metres of additional floor space, capable of accommodating a significant increase in customers that would likely generate increased demands for car parking, traffic, associated noise and increased activity at the site in general.
28. As I have found above, the proposal would lead to an increased demand for car parking along Main Street. This intensification in use of the spaces around the Old Wharf Building and along Main Street would undermine the canal basin's tranquil rural character, reducing its open appearance and diminishing its visual qualities as part of a Significant Panoramic View. This would adversely affect the character and appearance of the CA, to the detriment of its special interest and significance.
29. The provision of rough surfacing for parking spaces around the building would not, in isolation, be harmful to the special interest of the listed building. Nonetheless, the significant intensification of use of the site and the erosion of the tranquil rural character of the canal basin, as set out above, would nonetheless have a negative effect on how the asset is experienced in views from Main Street and within the canal basin. The proposal would therefore adversely affect the setting of the listed building to the detriment of its special interest and significance.
30. For the above reasons I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the CA as a whole. It would also fail to preserve the special interest of the Old Wharf Building, through harm to its setting. This would be contrary to the requirements of sections 66(1) and 72(1) of the Act. For the same reasons it would cause harm to the significance of these designated heritage assets.

Public Benefits and Balance

31. With reference to Paragraphs 214 and 215 of the National Planning Policy Framework (the Framework), in finding harm to designated heritage assets, the magnitude of that harm should be assessed. Given the scale and nature of the proposed development, I find that the harm to the CA and the listed building would be less than substantial. This is nonetheless, of considerable importance and weight. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
32. In that regard, the proposal would result in employment and, through the expansion of a local business, would generate a benefit to the local economy. These benefits would be limited by the scale and nature of the proposal, however. Notwithstanding the extent of local objections to the scheme, it is clear that the tea rooms is of some value to the local community and, through allowing the expansion of the available floor space and supporting the business, the proposal would constitute a community benefit. There would be heritage benefits from expansion of a business that currently occupies a listed building, helping to safeguard its future, albeit I am not aware of any immediate threat to the business were I to dismiss the appeal. Nonetheless, collectively I attribute moderate weight to the public benefits.
33. However, this is not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage assets.
34. The proposal would fail to preserve or enhance the character or appearance of the CA. It would also adversely affect the special interest and significance of the Grade II listed Old Wharf Building through harm to its setting. This harm would be contrary to the requirements of sections 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The harmful impact would also be contrary to Policy 11 of the Local Plan Part 1: Core Strategy (2014) and Policy 28 of the LPP2 which together seek to conserve and enhance heritage assets and safeguard local distinctiveness and the historic environment.
35. There would also be a conflict with the guidance contained within the CAA, set out above.

Local Green Space

36. The appeal site is designated as Local Green Space within the Canal Basin, Hickling by Policy H7 of the NP. As set out at Paragraphs 106 and 108 of the Framework, the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts.
37. Policy H7 sets out that development that would be harmful to the openness, special character or its significance and value to the community will not be permitted unless very special circumstances outweigh the harm. Policy 33 of the LPP2 sets out that Local Green Spaces will not be developed for other uses except in very special circumstances.

38. The NP describes the canal basin as a thriving wildlife habitat that provides a tranquil green space and recreation area for walkers, cyclists and fishermen. Appendix 3 of the NP makes clear that the Hickling Basin is designated as a Local Green Space due to its beauty, historic significance, recreational value, tranquillity and its richness of its wildlife.
39. The proposal would develop the canal basin through the permanent mooring of a barge to be used for outside seating. As set out in the above main issues, I have found that the proposal would significantly increase customer activity around the site, resulting in increased noise and traffic and an increased demand for car parking along Main Street. The intensification of the use of the Old Wharf Building and the spaces around it would undermine the tranquillity of the Local Green Space and reduce its visual openness in views from Main Street, along the canal and around the canal basin. For the same reasons and, as set out above, the proposal would also adversely affect how the historic significance of the Old Wharf Building is experienced and appreciated. The harm arising would diminish value of the Hickling Basin to the community as a protected Local Green Space.
40. I therefore conclude that the proposed development would be harmful to the openness and special character of the Local Green Space. There would therefore be conflict with Policy H7 of the NP and Policy 33 of the LPP2, described above. Conflict would also occur with Framework Paragraphs 135 and 139 which together seek to ensure development proposals represent high quality design that is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

41. I note that there is some public support for the proposal. However public support does not necessarily equate to a lack of harm. Moreover, a number of third-party objections were also received as part of the appeal.
42. The Council references other listed buildings that lie nearby. As set out above I have a statutory duty under section 66(1) of the Act to have special regard to the desirability of preserving these listed buildings and their settings.
43. To the north east of the appeal site is the Grade II listed canal milepost² and, to the north west, is the Grade II listed Bridge View House³. The tower of the Grade I listed Church of St Luke⁴ is visible in the distance to the south.
44. Based on the evidence before me, the special interest and significance of the Church of St Luke derives from its architectural and historic interest as a restored fourteenth century church, and also from its wider setting within a rural village. Bridge House was formerly a public house, the Navigation Inn, and was constructed in 1803. Its significance derives from its architectural and historic interest as a Georgian house that has developed over time and from its historic setting within the context of the canal. The canal milepost is a small milepost located at the base of a hedge adjacent to the canal towpath. Its significance derives, in part, from its historic association with the canal which forms its setting.

² List Entry Name: 'Grantham Canal, 13 ¼ Miles Post Approximately 150 Metres East of Main Street, Hickling', List Entry Number: 1227663.

³ List Entry Number: 1227671.

⁴ List Entry Number: 1264986.

45. The tower of the Church of St Peter is visible above the southern boundary hedge when viewed from the canal towpath and opposite side of the canal basin. The tower is visible from much of the village, and given the extent of separation and the nature and extent of the development proposed at the appeal site, I consider that the setting of the asset would be preserved and its special interest and significance unharmed by the appeal scheme.
46. Bridge House is set back from the road edge behind a large front garden with a tall hedge and lies adjacent to the western stretch of canal beyond the basin. This stretch of canal is visually separate to the canal basin and having regard to the degree of separation and the nature of the appeal proposal, the significance of Bridge House would not be adversely affected through the development within its wider setting. Owing to its distance from the appeal site and its more constrained visual influence, I am satisfied that the setting of the milepost would be preserved and its significance and special interest would not be harmed by the appeal proposal.

Conclusion

47. The proposal would allow for the expansion of a local business with benefits for the local economy, employment and the wider community. The business currently occupies a listed building and as such there would be minor heritage benefits from ensuring its longer term future. Nonetheless these comparatively limited benefits do not justify taking an approach contrary to the adopted development plan having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework. As such, there are no material considerations of such weight to outweigh the harm identified in relation to parking stress, heritage assets and the Local Green Space.
48. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR