



Appeal Decision

Site visit made on 17 February 2026

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2026

Appeal Ref: APP/T3725/C/23/3332237

Hatton Arms, Birmingham Road, Hatton, Warwick. CV35 7JJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Andrew Arkwright on behalf of Hatton Ltd. against an enforcement notice issued by Warwick District Council.
 - The notice was issued on 27 September 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of corrugated metal canopies on metal tubular supports, metal staircase, and corrugated metal cladding and balustrade structures to the rear open terrace area more particularly shown on the photographs attached as Appendix A.
 - The requirements of the notice are:
 - [i] Remove the corrugated metal canopies, metal tubular supports, metal staircase, corrugated metal cladding and balustrade structures from the rear open terrace area.
 - [ii] Remove from the Land all resulting waste and materials.
 - The period for compliance with the requirements are: Six calendar months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The effect of the development on the character and appearance of the area and host building, having regard to the sites location within the Canal Conservation Area.

Reasons

3. The Canal Conservation Area (CA) encompasses the Grand Union Canal, between Warwick and Birmingham which was constructed during the 18th and 19th Centuries. Near to the appeal site the canal contains a number of locks which forms the Hatton Locks and the areas surrounding each side of the canal are predominantly open and verdant which results in vast and extensive views being possible from within the CA. Given the above, I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the open and undeveloped space surrounding the appeal site that contributes to and allows the verdant character and appearance of the CA to be appreciated.

4. The appeal building is a public house which has the appearance of a traditional coaching inn. It is constructed from simple and traditional materials, and is set on an elevated and prominent position with views out towards the canal. The terrace has been constructed to the rear and provides an elevated seating area for customers of the public house and has been constructed using corrugated metal sheets and supports.
5. I note that the design of the development is stated to be intentional and to appear as a boatyard as well as a dedication to the appellant's industrial family history. However, the utilitarian design appears stark and detracts from the traditional appearance of the host building. The elevated position, combined with the open and verdant character and appearance means that wide ranging views are possible of the appeal site. The developments' location to the rear means that it is highly visible from the canal and appears as an industrial and incongruous feature on the host building.
6. There have been various additions and alterations to the public house over time, many of which have altered the rear of the building. However, while they have not necessarily enhanced the appearance of the public house, they have generally maintained its traditional appearance. This differs from the development that appears as an incongruous feature that detracts from its traditional appearance.
7. I appreciate that the previous parasols and sails were not usable during adverse weather conditions and that the seating area provides expansive views which are considered to be a positive to customers. However, this should not come at the compromise of views from the canal and wider CA being harmed.
8. I therefore conclude that the development harms the character and appearance of the area and host building and also causes harm to CA causing harm to its significance. On a spectrum of such harm, this would be low. The development would be contrary Policy BE1 of the Warwick District Local Plan 2011-2029 Adopted September 2017 (LP) and paragraph 139 of the Framework which amongst other things, seeks to ensure development positively contributes to the character and quality of its environment.

Other Matters

9. The appellant suggests that some of the aspects of the development are considered essential for health and safety. However, I am not convinced that the development is the only way to allow the safe operation of the public house, so this matter does not weigh in favour of the development.
10. The Council have not suggested that the principle of an outdoor seating area is unacceptable, and I note the planning history of the appeal site where such development appears to have been permitted. However, I have little information before me in order to make a meaningful comparison to the development before me. In any case, I am only in a position to consider what has been alleged in the Enforcement Notice and as such, this does not outweigh my findings.
11. The development would not harm the living conditions of neighbouring occupiers; however, this is a neutral matter.

Planning Balance

12. Paragraph 212 of the Framework advises 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. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset and that this should have a clear and convincing justification.
13. Given the scale of the proposed development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
14. The development allows for customers to sit outside within a covered area and enables some outdoor seating for all year-round use. The development could also allow the public house to serve more people and result in some job opportunities. Although some are private benefits, the development could result in some job opportunities through increased capacity and further spending in the locality albeit I am mindful that the development is unlikely to be the only way to achieve these outcomes. As a result, the public benefits only attract limited weight in favour of the proposed scheme.
15. Given the above, I conclude that, on balance, the development would harm the CA, causing less than substantial harm to its significance, and no public benefits have been cited that outweigh this harm. The development is contrary to Policy HE2 of the LP and paragraph 207 of the Framework which amongst other things, seeks to restore areas that make a negative contribution to conservation areas.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Wilson

INSPECTOR