



Appeal Decision

by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/02/2025

Appeal reference: CAS-03428-Q2R7V8

Site address: The Boat Inn, The Back, Chepstow, Monmouthshire, NP16 5HH

- 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 The Boat Inn (Chepstow) Ltd against the decision of Monmouthshire County Council.
 - The application Ref DM/2023/01093, dated 3 August 2023, was refused by notice dated 7 November 2023.
 - The development proposed is retention of existing marquee erected on the riverbank in the autumn of 2020 in conformity with the then existing Covid pandemic operating requirements applicable to clubs and restaurants.
 - A site visit was made on 21 January 2025.
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Decision

1. The appeal is dismissed.

Application for costs

2. The application for costs made by The Boat Inn (Chepstow) Ltd against Monmouthshire County Council is the subject of a separate Decision.

Main Issues

3. The marquee is in place. The main issues are:
 - whether the marquee preserves or enhances the character or appearance of the Chepstow Conservation Area,
 - the impact of the marquee on the setting of The Boat Inn (Grade II) and nearby listed buildings,
 - the impact of the marquee on use of the steps giving access to the bank of the River Wye.
 - whether the proposed development should include measures to enhance biodiversity.

Reasons

Heritage assets

4. The marquee covers a seating area associated with The Boat Inn. It lies opposite the Inn across the narrow road known as The Back, between the road and the bank of the River Wye. The marquee is around 9m by 12m in area and approximately 3.5m high to ridge. It has a metal frame and the roof has a white, shiny plastic finish. The marquee is open on all bar its southern side. Heaters hang from the roof bars and a metal cage housing large gas bottles sits close to the northern corner of the marquee.
5. The site lies within 'The Back, Gunstock Wharf and Riverside' character area as defined in the Chepstow Conservation Area Appraisal. According to the Conservation Area Appraisal, the area *'is strongly characterised and well defined by its riverside location and views.'* The 18th century Boat Inn is identified as one of the key buildings in this area and, according to the listing description, is listed as a late 18th century inn retaining its character. The Conservation Area Appraisal considers the Boat Inn to be one in an important group of historic riverside buildings in this part of the Conservation Area, including a number in the adjoining square. The use of traditional materials, including timber vertical sliding sashes and casements to the Boat Inn are identified as important contributors to the character and appearance of the Conservation Area.
6. The gap between the river and the buildings overlooking The Back creates a pleasing sense of openness and is fundamental to retaining the open views up and down the river which are specifically referred to in the Conservation Area Appraisal. The willow adjoining the marquee is a significant feature in these views but adds to the attractiveness of the riverbank. The large, shiny marquee despite its three open sides, intrudes into this space and interrupts views along the river. Further, the overtly modern materials and ugly bottle cage fail to respect this historic setting, contrasting unfavourably with the character of and traditional materials in The Boat Inn and other listed buildings nearby.
7. Historically the river bank and wharves along it would have been busy places and the use of the seating area continues this. However, whilst the marquee facilitates the use of this space, I do not consider it is necessary to preserve the character of the Conservation Area, for activity to continue after dark or all year round. The Council has no objection to the use of the seating area or to the principle of it being covered. I have been appointed solely to determine whether the retention of the existing structure is acceptable and it would not be appropriate for me to comment on the alternatives suggested by the Council.
8. The appellant draws my attention to a marquee on the terrace of the Palace of Westminster. My conclusions are based on the site specific circumstances of this case and I find the retention of the marquee would neither preserve nor enhance the character or appearance of the Chepstow Conservation Area and that it would have an adverse impact on the setting of the Boat Inn and nearby listed buildings. The proposal, therefore conflicts with Policies DES1 and HE1 of the Monmouthshire County Council Local Development Plan, adopted 2014 (LDP).

Access to the riverbank

9. The reason for refusal refers to a pontoon. The appellant's statement of case includes photographs of the pontoon but it was not there at the time of my visit. However, there were a few boats laid up on the riverbank close to the steps over the wall adjoining the marquee. To access the steps one must enter the marquee. The sides of the marquee are open but anyone carrying a boat or bulky equipment is likely to be impeded due to

the stanchion supporting its northern corner and its eaves height. The cage housing the gas bottles would make it more awkward and inconvenient.

10. Nonetheless, whilst the marquee presents an impediment, it would be possible to lift things over the wall before entering it and access to the riverbank is not precluded. Policy CFR3 of the LDP resists the loss of recreational facilities but that would not be the case here and I do not consider access is so restricted such that the appeal should be dismissed on this ground.

Biodiversity

11. The Council has no concerns regarding the impact of the proposed development on the River Wye Special Area of Conservation or Site of Special Scientific Interest and I see no reason to take a different view.
12. It is not clear what environmental and ecological assets the Council consider could be safeguarded by conditions. Prior to the erection of the canopy the area was hardsurfaced and used by patrons of the Boat Inn and would have had little, if any, ecological interest. Policy 9 of Future Wales requires all development to maintain and enhance biodiversity. However, I agree with the appellant that it is neither practical to install bird or bat boxes on a marquee nor sensible given its use and due to the nature of the site it is difficult to see what other measures could be taken. In these circumstances I do not consider the conflict with Policy 9 of Future Wales and Policy NE1 of the LDP warrants the withholding of planning permission.

Other Matters

13. The appellant submits figures in support of the assertion the marquee is essential to the viability of the inn. I have no doubt by enabling people to sit out in all weathers, the marquee is an asset to the business. The appellant's accountants state *'the figures confirm that the marquee's presence is a substantial element ensuring the viability of the pub.'* Nonetheless, whilst it may be a substantial element of the business, I have seen no evidence to demonstrate the inn would close without it.
14. Nor have I seen any empirical evidence to show the removal of the marquee would materially impact the number of visitors to the area or the local economy. As stated above, there is no objection to the seating area or the principle of it being covered.

Conclusion

15. I have a statutory duty to give special regard to the desirability of preserving the setting of listed buildings and to preserving or enhancing the character or appearance of the Conservation Area. Notwithstanding my findings with regard to access to the riverbank and biodiversity, the harm I identify to heritage assets provides compelling grounds to dismiss this appeal.
16. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to making our cities, towns and villages even better places in which to live and work.

A Thickett

Inspector