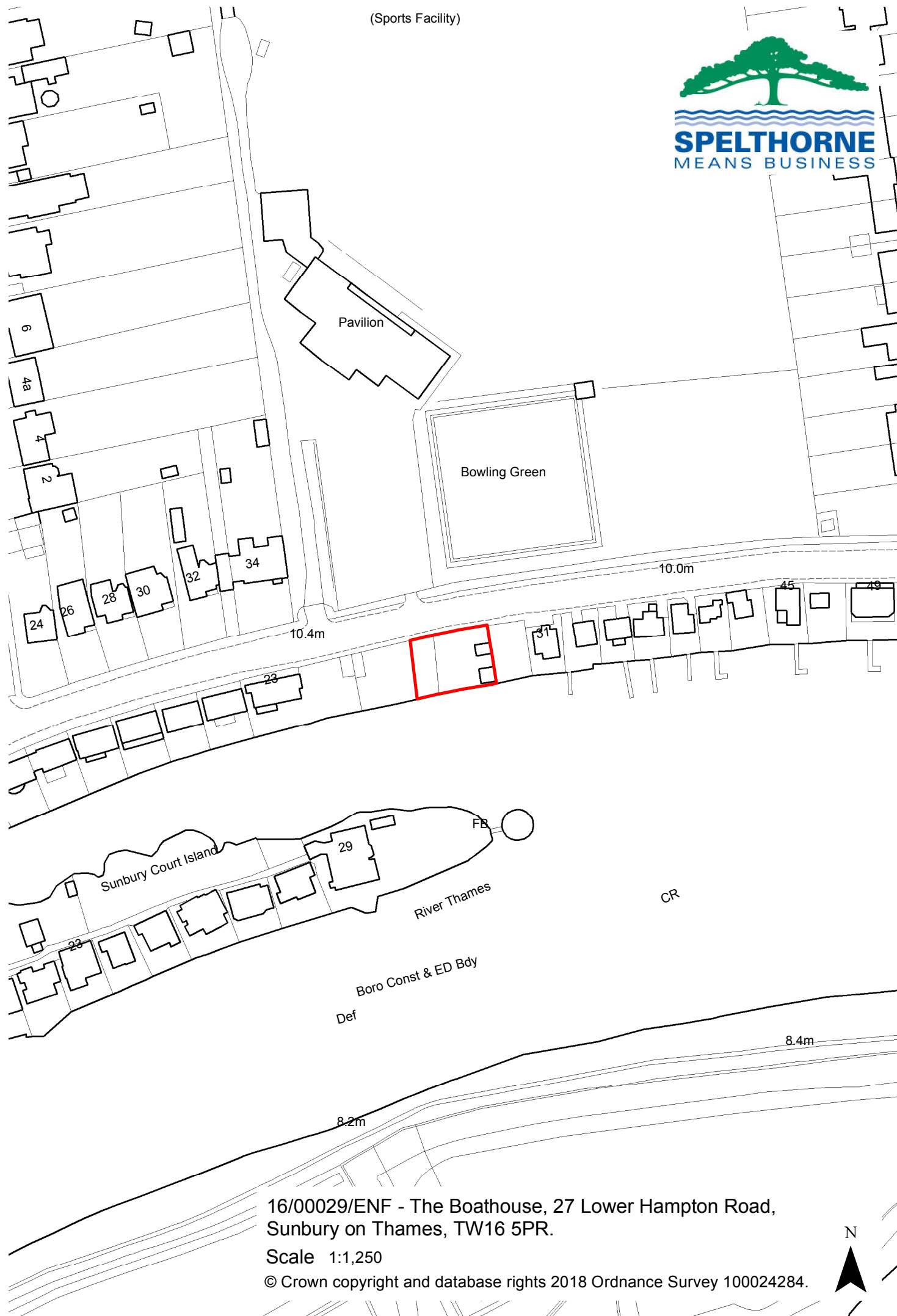


(Sports Facility)



16/00029/ENF - The Boathouse, 27 Lower Hampton Road,
Sunbury on Thames, TW16 5PR.

Scale 1:1,250

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Planning Committee

27 June 2018



Application No	16/00029/ENF		
Site Address	The Boathouse, 27 Lower Hampton Road, Sunbury on Thames, TW16 5PR		
Report Author	Liz McNulty		
Cabinet Member	Not applicable	Confidential	No
Ward	Sunbury East		
Recommendations	Enforcement Notice to be issued.		
Reason for Recommendation	Unauthorised siting of houseboat/mobile home for residential use within the Green Belt and Floodplain		

1. Background

- 1.1 The site is comprised of a plot of land adjacent to the River Thames on Lower Hampton Road, Sunbury on Thames. The land is located within the approved Green Belt. To the south is the River Thames and Sunbury Court Island. To the north is a bowling green. To the east and west are similar green belt sites used for leisure and the mooring of boats. The southern half of the site is within a 1:20 flood zone, the north western part a 1:100 flood zone and the north eastern part a 1:1000 flood zone.
- 1.2 It was brought to the attention of the planning department in January 2016 that there was planned development on the land when the owner made an enquiry regarding the construction of a replacement houseboat for a pre-existing houseboat moored adjacent to the site. The owner was advised that he could build a replacement houseboat provided that the new houseboat would only remain temporarily on the land.
- 1.3 The site contains a couple of outbuildings which have planning permission for non-residential use. The site contains a mooring which has planning permission to moor one boat.

2. Development Plan

- 2.1 Within the green belt and within 1:20, 1:100 and 1:1000 flood zones.

3. Relevant Planning History

SPE/FUL/89/1018	Incorporate land as a residential mooring (as shown on plans submitted 8 January 1990).	Grant Unconditional 30.05.1990
SPE/FUL/89/341	Erection of a conservatory measuring 3.0 m (9 ft 8 ins) by 2.0 m (6 ft 6 ins) and a 'lean to' garden store (as shown on Drawing No. 01).	Grant Unconditional 23.08.1989
SUN/FUL/6198/D	Continued use of a Chalet for storage of Boats etc.	Grant Conditional 10.07.1972
SUN/FUL/6198/E	20ft. x 14ft. building for leisure purposes.	Refused 10.10.1972
SUN/OUT/6198/C	A leisure House with storage under.	Refused 03.05.1972
SUN/FUL/6198/A	Continued use of chalet for storage of boats etc.	Grant Conditional 14.07.1969
SUN/FUL/6198/A	Continued use of chalet type hut for storage of boats etc.	Grant Conditional 14.06.1966
SUN/FUL/6198A/B	Continued use of chalet type hut for storage of boats, etc.	Grant Conditional 08.07.1963
SUN/FUL/6198	Erection of a wooden chalet.	Grant Conditional 14.05.1960
SUN/FUL/6199/A	Erection of boat store and summer house.	Grant Conditional 14.05.1960

4. Details of Complaints and Unauthorised Development

- 4.1 Multiple complaints were received in May 2016 and March 2017. The complaints are detailed below:

Breach	Start Date	Status
Unlawful siting of a houseboat on the land	Reported May 2016 and March 2017	The owner is building a new houseboat to replace an old houseboat that was lawfully moored adjacent to the site but is now at the end of life and has been removed from the mooring. The owner has been living in the outbuilding on the site since Spring 2017 and using the facilities of the kitchen and living room of the houseboat currently under construction on the land. Within the last month the owner has ceased using the outbuilding for habitable accommodation and has borrowed another houseboat to moor lawfully adjacent to the site to live in until his houseboat under construction on the land is completed.

- 4.2 Following the receipt of the enquiry regarding a replacement houseboat on this site, the owner was advised that if the proposed works were temporary and involved the construction of a boat that on completion will be located on the water, planning permission would not be required. This advice was given on the understanding that the new houseboat when completed would be placed onto the water and the existing houseboat removed. Two houseboats moored at the site at the same time is not permitted. No permanent structures or buildings placed on the land are permitted.
- 4.3 After multiple site visits by the Planning Enforcement Officer and responses given to a Planning Contravention Notice (PCN) the following has been ascertained: The houseboat/mobile home under construction on the land is currently being used as a 'living space' with use of a living room and kitchen area. This is shown as A on the attached map. The bedroom and bathroom is yet to be completed. The approximate location of the houseboat/mobile home is shaded in red and labelled 'A' on the attached GIS map.
- 4.4 The owner has confirmed that he and his wife were sleeping in an existing outbuilding on the land (which has a toilet) that does not have permission to be used as a dwelling house. This is shown as B on the attached map and shaded in black. However, after another site visit on 18 May 2018 they now have borrowed another houseboat in addition to the houseboat currently under construction on the land and moored the houseboat on the river for sleeping accommodation. This is shown as 'C' on the attached map and shaded in blue. They are no longer using the outbuilding for this purpose.
- 4.5 The position now is that there is a lawful houseboat on the river and one unauthorised houseboat/mobile home currently under construction on the land. Only one houseboat is permitted.

5. Planning Issues

- Flooding
- Green Belt
- Human Rights

6. Planning Considerations

Flooding

- 6.1 The houseboat/mobile home is currently located on the south western part of the site which is in the functional flood zone of 1:20, the highest flood risk zone where new development will only permit water compatible uses. These are areas of fast flowing floodwater in major flood events where there are particular risks to people and property. Whilst a boat would obviously be acceptable on the functional floodplain, the current structure is not yet watertight and therefore would be a risk in a flooding situation. In addition the structure reduces the flood storage capacity and impedes the flow of flood water. In these respects, there is a flooding objection to this development which is contrary to the NPPF and local plan policy LO1.
- 6.2 Section 10 of the National Planning Policy Framework (NPPF) sets out the Government's policy in respect of the challenge of climate change, flooding and coastal change. The NPPF states:

***Para 100.** "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk..."*

***Para 103.** "...local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where... it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;"*

- 6.3 Policy LO1 of the Council's Core Strategy and Policies Development Plan Document (Adopted 26 February 2009) also confirms this. This states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by:
- c) *"maintaining flood storage capacity within Flood Zone 3 by refusing any form of development on undeveloped sites which reduces flood storage capacity or impedes the flow of flood water."*
 - d) *"maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water by not permitting any additional development including extensions."*
 - e) *"not permitting residential development or change of use or other 'more vulnerable' uses within Zone 3a or 'highly vulnerable uses' within Zone 2 where flood risks cannot be overcome."*

Green Belt

- 6.4 The site lies within the Green Belt. Section 9 of the National Planning Policy Framework (NPPF) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The policy is similarly reflected in the Council's Saved Local Plan Policy GB1. The NPPF sets out certain developments which are appropriate within the green belt including appropriate facilities for outdoor sport and outdoor recreation and buildings for agriculture. The provision of a houseboat/mobile home on the land does not fall into the category of appropriate development and consequently represents inappropriate development within the Green Belt. This is, by definition harmful to the openness of the Green Belt and should only be approved in very special circumstances. There are no very special circumstances to justify this development which also causes harm associated with the flood plain. Consequently it is contrary to Green Belt policy.
- 6.5 Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's policy in respect of protecting Green Belt land. The NPPF states:

***Para 79.** "...the essential characteristics of Green Belts are their openness and their permanence."*

***Para 87.** "...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

- 6.6 The siting of a houseboat/mobile home on Green Belt land is considered inappropriate as no special circumstances exist.
- 6.7 The Council's local saved policy GB1 also confirms this:
- (GB1)** "...development will not be permitted except for uses appropriate to the Green Belt."*
- 6.8 The development of a houseboat on the Green Belt is not listed as appropriate use of the Green Belt.

Human Rights

- 6.9 The building has been in use as an unauthorised residential dwelling and provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14, are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. In view of the need to enforce planning law for the public good, it is not considered that this would contravene the Human Rights Act. Given the harm caused to the Green Belt and Flood Plain and given that the Planning Enforcement Officer has taken a very reasonable approach in allowing the owners sufficient time to complete the construction works, it is considered to be expedient to take enforcement action against this development.

7. Recommendations

- 7.1 That an Enforcement Notice be issued to secure the removal of unauthorised houseboat/mobile home
- 7.2 Such Notice to be complied with within 6 months of it taking effect.

8. Reasons for Serving of Notice

- 8.1 The houseboat/mobile home represents inappropriate development within the Green Belt for which there are no very special circumstances. The development reduces the openness of the Green Belt thereby causing unacceptable harm. The development is, therefore, contrary to Saved Local Plan Policy GB1 and Section 9 (Protecting Green Belt Land) of the NPPF.
- 8.2 The development is located within the flood plain where new residential development is precluded in order to protect people and property which are at particular risk in major flood events. The development reduces flood storage capacity and impedes the flow of flood water. The development is, therefore, contrary to Policy LO1 of the Core Strategy and Policies DPD 2009.

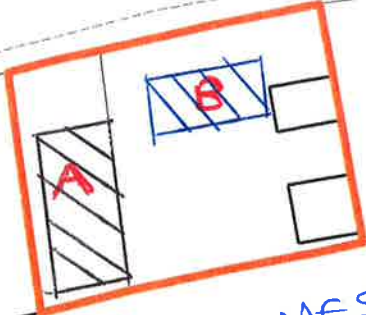
9. Steps Required to be Taken

- 9.1 Remove from the land the houseboat/mobile home
- 9.2 Cease use of the land for residential purposes
- 9.3 Remove from the land all building debris and rubbish associated with the unauthorised use and in compliance with 1 and 2 above.

Bowling Green

10.4m

RIVER THAMES



31

29

FB

The Boathouse 27 Lower Hampton Road Sunbury On Thames TW16 5PR.

Scale 1:500

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