

Appeal Decision

Site visit made on 8 February 2017

by J F Powis BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 April 2017

Appeal Ref: APP/X0360/W/16/3160591

Hobbs Boatyard, Wargrave Road, Remenham, Wokingham, Berkshire RG9 3JD

- 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 Mr Jonathan Hobbs of Hobbs of Henley Ltd against the decision of Wokingham Borough Council.
 - The application Ref 153483, dated 1 December 2015, was refused by notice dated 3 August 2016.
 - The development proposed is to install 6 x floating landing stages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For reasons of clarity, the site address set out above is taken from the appeal form and decision notice.

Main Issues

3. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - ii. the effect of the proposal on the openness of the Green Belt;
 - iii. the effect of the proposal on the character and appearance of the area; and,
 - iv. if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development in the Green Belt

4. The appeal site is located within the Green Belt on the banks of the River Thames. The site currently comprises a commercial boatyard facility which includes a substantial building containing workshops together with some associated areas of external hardstanding. The site currently has nine riverbank moorings along its water frontage.
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5. The proposed development comprises six landing stages providing facilities to moor up to twelve boats. The drawings indicate that the landing stages would be attached to the land at ground level by hinged plates with rollers and would extend to an angle approximately 8 metres into the river buoyed by floating tanks. The ends of the landing stages would be fixed to approximately 6 metre long tubular steel piles driven into the river bed.
6. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. Policy CP12 of the Wokingham Borough Local Development Framework Core Strategy Development Plan Document (adopted January 2010) (CS) states that planning permission will not be granted for inappropriate development within the Green Belt. Although adopted prior to publication of the Framework, the approach of Policy CP12 is generally consistent with that set out in the Framework.
7. There is some disagreement between the parties as to whether or not the proposed development would constitute 'buildings' for the purposes of paragraph 89 of the Framework. The term building is defined in section 336 of the Town and Country Planning Act 1990 (as amended) as '*any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building*'. Having regard to the fixed nature of the proposed structures to both the land and river bed, and their substantial dimensions, it is my view that the proposed landing stages would undoubtedly fall within this definition. As such they would constitute new buildings in the Green Belt.
8. The appellant submits that the proposal would constitute an outdoor recreation use, although this is disputed by the Council. The Framework states at paragraph 89 that the provision of appropriate facilities for outdoor recreation may not be inappropriate development, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. Whilst it is apparent from the submitted evidence that a core part of the appellant's business relates to recreational boating, his submissions are clear that the Wargrave Road facility which encompasses the appeal site is used principally to provide boatyard services such as the maintenance, servicing and storage of craft. These functions appear to be more akin to an industrial and/or storage use than to what might reasonably be expected to take place on a site used for direct outdoor recreation purposes. The submitted information indicates that the intended use of the proposed landing stages is primarily to provide boat storage associated with the main use of the existing operation.
10. On the basis of the evidence before me, I therefore consider that the proposed development would not, in itself, constitute the provision of appropriate facilities for outdoor recreation in the sense of paragraph 89. Moreover, and in any event, the proposal could not be considered an appropriate outdoor recreation use in the context of paragraph 89 due to my finding about the adverse impact of the proposal on the openness of the Green Belt which I consider next.
11. As a result, the proposal does not fall within any of the exceptions set out at paragraph 89 of the Framework and would therefore be inappropriate development in the Green Belt.

Openness of the Green Belt

12. Paragraph 79 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. Whilst the landing stages would sit only approximately 1 metre above the water level, they would nonetheless be of a considerable length at approximately 8 metres long, protruding perceptibly into the river, and would span approximately two thirds of the total river frontage of the site. The steel piles would also extend approximately 3.5 metres above the average water level. As such, the structures would constitute manmade incursions into what is otherwise an area of natural appearance. As a result, the proposed landing stages would consolidate and extend the built form of the boatyard into the river considerably, creating additional bulk at river level and an encroachment into a previously undeveloped area.
13. I do not have detailed evidence about the frequency of use of the planned moorings, but given the commercial nature of the operation it is reasonable to expect that optimal use would be made of the twelve moorings. The proposal would therefore increase the capacity for moored boats which, though only temporarily present, could be of a considerable size and would be relatively static features in the landscape. I therefore consider that in addition to the physical works proposed, the boats to be moored alongside the landing stages would also have an adverse effect on openness in this case.
14. I have had regard to the seasonal nature of the intended use of the landing stages, with the appellant indicating that the moorings would only be used during the months of April to October. Whilst this would mean a reduced impact on openness during the period November to March, the overall effect of the proposal would nonetheless be a material loss of openness for the reasons given above.
15. I note that the existing riverside moorings allow for the on-river mooring of several boats across the width of the site, with boats capable of being moored three or four deep at times. This is consistent with what I saw at the time of my site visit. I acknowledge that the side-by-side positioning of vessels along the existing riverside moorings may at times result in boats extending into the river to a roughly equivalent extent as the length of the proposed landing stages. Notwithstanding this, I am mindful that the appeal site is in a sensitive waterfront location in an important transitional zone on the edge of the Green Belt. The proposed development would formalise and extend the mooring facilities on site, which would be likely to result in the site being used as a mooring with materially greater regularity and intensity than is currently the case.
16. For these reasons, I consider that the proposal would cause moderate harm to the openness of the Green Belt.

Character and Appearance

17. The appeal site is located outside of the boundary of any settlement and as such is in the countryside. The site is bounded along one side by the River Thames and to the other side by Wargrave Road. The surrounding area is semi-rural in character, with the appeal site sitting amongst well-spaced built form running along the south western side of Wargrave Road.

18. On the opposite bank of the river is the town of Henley-on-Thames, with a large area of public open space directly opposite the appeal site known as Mill Meadow Park. This is a well-used park, with public footpaths running along the water's edge, a band stand, café with outside seating and other public recreation spaces. The river is sufficiently narrow at this location to allow clear and direct views across the water to the appeal site.
19. The built form of the boatyard currently stops at the water's edge, albeit that on-river moorings exist along the riverbank. The proposed development would effectively lead to the expansion of the built form associated with the boatyard forward into the river. Viewed from Mill Meadow Park, the proposed landing stages, together with their associated boats, would appear as large and prominent additions to the boatyard against the backdrop of the rising undeveloped land of the Green Belt beyond. The proposal would also be clearly visible to users of the river itself in this area of high activity for recreational and commercial water craft.
20. I acknowledge the presence of other buildings and structures along the river's edge on both sides of the appeal site, and recognise that my site visit was carried out at a time of year that might be expected to see lower levels of on-river boat mooring. Nevertheless, there are very few examples of fixed landing stages or pontoons protruding into the water from the bank in the section of the river surrounding the site. In this regard, the proposed landing stages, which would be manmade structures of a substantial length and would span a significant proportion of the site, would be out of keeping with the relatively natural state of the riverfront in the immediate area.
21. I therefore conclude that the development would cause significant harm to the character and appearance of the site and surrounding area. In this respect it would conflict with Policies CP3 and CP11 of the CS and Policies CC02 and TB24 of the Wokingham Borough Managing Development Delivery Local Plan (adopted February 2014) (LP), which together require that proposals outside development limits are appropriate in scale and character to the local area and do not lead to excessive encroachment or expansion of development away from original buildings. The proposal would also be inconsistent with the Framework insofar as it requires account to be taken of the intrinsic character and beauty of the countryside.

Other Considerations

22. The proposed development would provide additional boat storage capacity for the existing boatyard and as such would support the associated business, resulting in some local economic benefit. The proposed landing stages would provide a more efficient and safe method for mooring boats than the existing riverbank moorings and would avoid damage to craft during times of flooding, which would bring sustainable economic and social benefits. These are other considerations which weigh in favour of the development. Given the limited scope and extent of these benefits, I afford them only modest weight in my assessment. I also note that the Environment Agency did not object to the proposal, but this is neutral factor that does not weigh one way or the other.

Green Belt Balance

23. I have found above that the proposed development would constitute inappropriate development which is, by definition, harmful to the Green Belt

and should not be approved except in very special circumstances. It would also lead to moderate harm to the openness of the area, a factor that must be given substantial weight in the overall planning balance. Furthermore, the scheme would cause significant harm to the character and appearance of the site and surrounding area, a finding which carries substantial weight in my assessment.

24. Paragraph 88 of the Framework is clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have had regard to the benefits of the scheme set out above and conclude that, even taken together, the other considerations in this case do not carry sufficient weight to clearly outweigh the harm to the Green Belt that I have identified.
25. Consequently, the very special circumstances necessary to justify the development do not exist. I therefore find conflict with the Framework and with Policies CP1 and CP12 of the CS and Policies CC01 and TB01 of the LP, which together seek to protect the Green Belt from inappropriate development.

Conclusions

26. For the reasons given above I conclude that the appeal should be dismissed.

J F Powis

INSPECTOR