



Appeal Decision

Site visit made on 9 February 2021

by Christina Downes BSc DipTP MRTPI

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

Decision date: 01/03/2021

Appeal Ref: APP/Z3635/W/20/3257970

The Boathouse, Sandhills Meadow, Shepperton TW17 9HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Cook against the decision of Spelthorne Borough Council.
 - The application Ref 20/00591/RVC, dated 30 May 2020, was refused by notice dated 23 July 2020.
 - The application sought planning permission for the erection of a boat showroom on land fronting the River Thames with addition of fire escape staircase and associated parking without complying with a condition attached to planning permission Ref 04/01184/FUL, dated 1 April 2005.
 - The condition in dispute is No 9 which states that: *the building hereby permitted is only to be used in conjunction with the full range of existing boatyard uses, the manufacturing, fitting out, repair, maintenance, storage and sale of boats and boating equipment and for no other purpose without the prior permission in writing of the local planning authority.*
 - The reason given for the condition is: *to ensure that the site continues to serve the needs of those using the river.*
-

Decision

1. For the reasons given below, the appeal is dismissed.

Reasons

2. There is no dispute that the appeal site is within the Green Belt. Planning permission was granted for a new boathouse in 2005, following an earlier appeal. This was permitted on the basis that there were very special circumstances to justify an inappropriate form of development. It is clear from this decision that there had been a long history of river associated activity and that the boatyard use is lawful. It appears that the new building replaced fire damaged structures and increased the built development on the site by about one third. This was considered acceptable, subject to a condition restricting the use, as set out above.
3. The current proposal is for use of part of the building for the fitting out, storage and sale of motorised camper vans. This would result in internal changes but not involve any new buildings or external alterations. It would therefore have no effect on the openness of the Green Belt and would not be inappropriate development having regard to saved policy GB1 in the *Spelthorne Borough Local Plan* and paragraph 146 of the *National Planning Policy Framework*.

-
4. Policy EN10 in the *Core Strategy and Policies Development Plan Document* (2009) (the CS) indicates that facilities supporting the recreational use of the River Thames will be safeguarded and that development involving the loss of such facilities will be refused unless it can be demonstrated that they are no longer required. People use the River Thames for recreational purposes in many ways, but the supporting text mentions the importance of protecting facilities for boating. This is because boats and water are inextricably linked whereas other types of recreational activity, except perhaps fishing, can also be undertaken in a variety of locations unrelated to the river. I consider that camping would fall within this category.
 5. The proposal would result in a reduction of up to 20% of the boat showroom space. This would not be insignificant, and its loss would be likely to materially diminish the facilities on offer to the boating public. Even if the same customer base applies to boats and camper vans, the refurbishment and sale of the latter do not need a waterside location even though both involve recreational activity. Conversely the boat showroom and marine workshops are closely associated with the river environment. It is acknowledged that for many businesses the current coronavirus pandemic has created considerable challenges. However, although the purpose is to use the same skill base and diversify the business, there is no evidence that this would be necessary in terms of its economic viability. Furthermore, there is no suggestion that without the camper vans, current jobs would be at risk.
 6. The Appellant has made a number of assertions about the uncertain future of the boating market and the decline of boating activity on the River Thames over the last 20 years. It is said that the boating industry will need to adapt to provide a more varied outdoor leisure offer. There is little evidence to support these claims other than the reference to a 2017 survey by British Marine and a stated reduction in Government funding for river infrastructure. I note that the present building was erected well within the last 20 years presumably on the basis that it was needed for the boat related business. It has not been satisfactorily demonstrated that this is no longer the case or that its survival depends on the proposed diversification.
 7. For all of the above reasons I conclude that there is inadequate justification for the proposed variation of the condition, which for the reasons given would be contrary to policy EN1 in the CS. The Appellant opines that the condition would not have been imposed if the fire damaged structures had been replaced by a smaller building. However, that cannot be known and in any event is not the situation that now exists.
 8. Sandhills Meadow is a narrow, single-track road and there are residential properties close to the appeal site. I note residents' concerns, but I see no reason why the fitting out and sale of camper vans should cause a greater degree of noise or impact on highway safety in comparison with the lawful boating use. I have considered all other matters raised in the representations but have found nothing to change my conclusion that the appeal should not succeed.

Christina Downes

INSPECTOR