



Appeal Decision

Site visit made on 26 July 2023

by **David Reed BSc DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal Ref: APP/R3515/W/22/3307288

The Mariners, Wherry Quay, Ipswich IP4 1AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Julien Jourdain against the decision of Ipswich Borough Council.
 - The application Ref IP/22/00140/FUL, dated 17 February 2022, was approved on 8 August 2022 and planning permission was granted subject to conditions.
 - The development permitted is the permanent mooring of vessel M. S. Amunda to serve as a public restaurant (retrospective application).
 - The condition in dispute is No 2 which states that: This permission shall expire on 08.08.2027 and the vessel shall be removed on or before that date, unless permission is granted for a further period, on application being made.
 - The reason given for the condition is: To enable the Council to assess the continued appropriateness of the proposed use and the vessel in the light of the character and appearance of the Wet Dock Conservation Area.
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Decision

1. The appeal is allowed and condition No 2 is deleted from planning permission Ref IP/22/00140/FUL dated 8 August 2022.

Main Issue

2. The main issue is whether the condition is necessary to safeguard the future character or appearance of the Wet Dock Conservation Area (CA).

Reasons

3. The Mariners is the trading name of the public restaurant operating from the vessel M. S. Amunda which is moored at Wherry Quay. The vessel, which dates from 1899, was moored in Ipswich dock in 1990 and has been used as a floating restaurant ever since. The first permission for its mooring and use was granted in 1990 for a three-year period and a series of temporary permissions have been granted ever since. The latest would expire in August 2027.
4. The vessel has a flat roofed two-storey superstructure which somewhat blocks quayside views and increases the sense of enclosure and amount of shade under the oversailing part of Waterfront House. However, the ship has become a recognised part of the Ipswich waterfront for many years, does not detract from the historic buildings that line the northern quay and adds an attractive dining facility to the other restaurants, bars and hotels which are an essential component of the regeneration of the historic dockside.

5. The Council have no objection to the continued mooring of the vessel but argue that a further temporary permission is necessary as the position may change, in particular that the condition of the vessel may deteriorate or bin storage or other arrangements may become unsatisfactory. However, as the officer report notes, the use and the vessel are subject to various other legislative controls and it would appear an annual, renewable licence is required from Associated British Ports, the owner of the Wet Dock. Whilst the last permission was subject to a condition requiring redecoration, indicating concern regarding the appearance of the vessel, no such condition has been imposed this time, and it is in the owner's interests to keep the ship in good repair. There is thus no substantive evidence that the condition is necessary to safeguard the future character or appearance of the Wet Dock CA.
6. National Planning Policy Framework (NPPF) paragraph 56 states that conditions should only be imposed when reasonable and Planning Practice Guidance (PPG) paragraph 21a-014-20140306 states that second temporary conditions are rarely justifiable, further permissions can normally be granted permanently. In this instance, continuing to grant only temporary permissions after 30 years is unreasonable and likely to inhibit investment in the business. The situation is not analogous to a classroom where the need itself is temporary.
7. The owners of Waterfront House raise a series of non-planning concerns about the vessel which are a private matter between the parties.

Conclusion

8. For these reasons condition No 2 is not necessary to safeguard the future character or appearance of the Wet Dock CA and conflicts with the guidance in paragraphs 56 of the NPPF and 21a-014-20140306 of the PPG. The condition should therefore be deleted. The appeal is allowed accordingly.

David Reed

INSPECTOR