
Appeal Decision

Inquiry held on 13-15 January and 3 February 2026

Site visit made on 12 January 2026

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 10th March 2026

Appeal Ref: APP/L5810/C/23/3333609

Pontoon and land adjacent to Richmond Bridge Pier, Richmond Riverside, RICHMOND, TW9 1TH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Turks Launches Limited against an enforcement notice issued by Richmond Upon Thames London Borough Council.
 - The notice was issued on 11 October 2023.
 - The breach of planning control as alleged in the notice is (i) Without planning permission and within the last four years, alterations to the existing pontoon, which have consisted of increasing its height with an additional lower deck and raised seating area, altering the external materials, erecting fixed covers with heaters, external railings, lower deck kitchen facilities and ancillary storage space: and (ii) Without planning permission and within the last ten years, a material change of use of the pontoon into a restaurant.
 - The requirements of the notice are: (1) Carry out all necessary remedial works to restore the pontoon to its condition before the breach of planning control; (2) Permanently cease the unauthorised use of the pontoon; and (3) Remove from the land any waste associated with carrying out steps (1) and (2) above.
 - The period for compliance with the requirements is 6 months.
 - The appeal as first determined proceeded on the grounds set out in section 174(2)(a), (b), (c), (d), (f), and (g) of the Town and Country Planning Act 1990 (as amended). On re-determination it is proceeding on grounds (a), (f) and (g) only. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

This decision supersedes that issued on 20 May 2024. That decision on the appeal was remitted for re-determination by order of the High Court.

Decision

1. It is directed that the enforcement notice is corrected and varied by:

the deletion of the allegations in section 3 and their replacement by the following:

“Without planning permission a material change of use of the pontoon to a mixed use, comprising restaurant, mooring of boats and ancillary storage uses, facilitated by alterations to the existing pontoon, which have consisted of increasing its height with additional lower decks and raised seating areas, altering the external materials, erecting fixed covers with heaters, external railings, lower deck kitchen facilities and ancillary storage space.”

and by the deletion, in section 5, of Requirement 2 and its replacement by the following:

“Permanently cease the mixed use of the pontoon comprising restaurant, mooring of boats and ancillary storage uses.”

Subject to the correction and variation, the appeal is allowed in part and permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for: “The mixed use of the pontoon, comprising restaurant, mooring of boats and ancillary storage uses, facilitated by alterations to the pontoon, which have consisted of increasing its height at the upstream and downstream ends with additional lower decks with kitchen facilities and ancillary storage space at the downstream end and storage at the upstream end. For clarity, this permission does not permit any alterations including external railings or for the provision of umbrellas/canopies, fixed covers with heaters, or seating on the pontoon.” at Pontoon and land adjacent to Richmond Bridge Pier, Richmond Riverside, RICHMOND, TW9 1TH, and subject to the conditions set out in the Schedule of Conditions attached to this decision.

The appeal is otherwise dismissed and the enforcement notice is upheld as corrected and varied.

Preliminary Matters

2. The appeal was initially made on grounds (a), (b), (c), (d), (f) and (g). The first Inspector’s decision dated 20 May 2024 has been remitted for re determination solely in relation to the appeals on grounds (a) and (f), for reasons related to the treatment of the alternative options put forward, bearing in mind that planning permission may be granted for part of the matters stated in the enforcement notice¹, and that even when the purpose of the notice is to remedy the breach of planning control, consideration may be given to lesser steps when the planning merits are under consideration. In these circumstances, the Inspector’s reasoning in relation to grounds (b), (c), and (d) and his decision that the appeal failed on those grounds stands. However, notwithstanding the limited scope of the remittal, since there have been changes to the planning policy position in the meantime I shall determine the appeals on grounds (a), (f) and (g) in their entirety.
3. On 13 October 2025 I held a Case Management Conference (CMC) with the Appellant and the Council at which we discussed the management of the Inquiry and the presentation of evidence. Arrangements were made for me to make an accompanied visit to the Appeal Site the day before the Inquiry opened. At the Inquiry it was agreed that no additional site visit would be necessary. At the time of the site visit the upstream upper deck area was not in use and aside from the fixed umbrella bases was devoid of restaurant related paraphernalia.
4. The Inspector in the first appeal corrected the description of the breach of planning control to more accurately describe the mixed use. The Inquiry proceeded on that basis. However, the physical alterations to the pontoon are described as a separate breach. This is unnecessary. The pontoon alterations were made to facilitate the mixed use enforced against, such that the relevant requirements would be necessary to remedy the breach of planning control consisting of the material change of use in any case, and could be required in the absence of any allegation of operational development. No purpose is served by separately enforcing against the pontoon alterations, and even if considered separately they could not be immune from enforcement due to the passage of time.
5. Having regard to the main parties post-Inquiry comments on my proposed correction, I consider that the breach of planning control should properly be

¹ Section 177(1)(a) of the 1990 Act

described as follows: “ *Without planning permission a material change of use of the pontoon to a mixed use, comprising restaurant, mooring of boats and ancillary storage uses, facilitated by alterations to the existing pontoon, which have consisted of increasing its height with additional lower decks and raised seating areas, altering the external materials, erecting fixed covers with heaters, external railings, lower deck kitchen facilities and ancillary storage space.*” I consider that the notice can be corrected in that way without causing injustice to the main parties, and I shall amend the notice accordingly. For clarity I shall also vary requirement 2 to require the cessation of the mixed use enforced against since it is a single use that should not be disaggregated. That also involves no injustice.

Ground (a) and the deemed planning application

6. The pontoon the subject of the appeal was granted planning permission² in 1985 as a floating pontoon for hiring out motor boats and rowing skiffs. It is moored on the Richmond bank of the Thames close to Richmond Bridge. The Jesus College Barge (JCB), an historic Oxford college rowing club barge, is moored at the pontoon. It has planning permission³, granted in 1992, for permanent mooring at the pontoon and for use as a restaurant. The pontoon underwent alterations in dry dock in 2021-22 which resulted in the current structure, and it was returned to its moorings in 2022. The barge and pontoon have since been used together by a restaurant called Peggy Jean Riverside. The main body of the pontoon had been increased in height at the downstream end to accommodate a restaurant kitchen and cold store, and further restaurant storage and river-related storage are accommodated within a raised section at the upstream end. The restaurant has an open air oven on the upper deck of the JCB, but its main kitchen is on the pontoon. Access to the barge and pontoon is via a single gangway from the riverside to the pontoon. Safety railings had been installed on top of both raised sections, enclosing dining areas, and in the middle section providing shared access and circulation space with some seating. The planning unit comprises the JCB and the pontoon.
7. When the notice was issued almost the entire upper deck areas were adapted for restaurant use. The guardrails were fitted with shrouds and most of the deck was covered by fixed umbrella type canopies with attached heaters and enclosed by plastic sheeting. Since then the 2 upstream deck canopy umbrellas, the guard rail shrouds and the plastic sheeting have all been removed, and the other 3 canopy umbrellas have been lowered in height by about 1200mm and changed to a muted colour. The appellant seeks planning permission for the pontoon and its use as it is now arranged. This is shown in Drawing No. TUK03-MAA-XX-XX-A-0003, which is to all intents and purposes the same as the scheme⁴ considered in the 2024 decision. Planning permission is not sought for the scheme as it stood at the date the notice was issued. If the current scheme is found to be unacceptable the appellant has put forward alternatives for consideration, all of which reduce the extent of use or paraphernalia to varying degrees. I will consider these alternatives in the planning balance.

Main Issues

8. The appeal site is within designated Metropolitan Open Land (MOL), which is given the same level of protection as Green Belt (GB). The main issues therefore are:

² Council ref. 85/0139

³ Council ref. 92/0659/FUL

⁴ Drawing No. TUK03-MAA-XX-XX-A-0002 Rev P05

- Whether the development is inappropriate development within the MOL;
- The effect of the matters alleged in the notice on the openness and purposes of including land in the MOL;
- The effect on character and appearance with particular reference to the Richmond Riverside Conservation Area (“the CA”), the setting of the Grade I listed Richmond Bridge, and the River Thames corridor;
- The effect on river-dependent and river-related uses; and
- If the development constitutes inappropriate development in the MOL, 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.

The development plan

9. Since the May 2024 decision was issued the Council has adopted the Richmond upon Thames Local Plan 2024 to 2039 (RLP). The development plan also includes the London Plan 2021 (LP).

Metropolitan Open Land (MOL)

10. MOL has the same level of protection as Green Belts and should be protected from inappropriate development in accordance with the national planning policy tests that apply to the GB, though these tests need to be applied having regard to the differences between GB and MOL, recognising among other things that they do not have the same purposes. As the accompanying text to LP Policy G3 makes clear, land designated as MOL is intended to protect and enhance the open environment and improves Londoners’ quality of life by providing localities which offer sporting and leisure use, heritage value, biodiversity, food growing, and health benefits through encouraging walking, running and other physical activity. Rather than specified purposes, LP Policy G3 sets out criteria for designating land as MOL. These are, in summary, contributing to the physical structure of London by being clearly distinguishable from the built-up area, providing open air facilities for leisure, recreation, sport, the arts and cultural activities, containing features or landscapes of national or metropolitan value, and contributing to the network of green infrastructure. The concept of ‘grey belt’ is predicated on the contribution of relevant land to certain GB purposes, and hence has no application to MOL.
11. It is evident from LP Policy G3 that protecting and enhancing the open environment is an important purpose of MOL, hence the GB tests that require the preservation of openness have direct applicability. In terms of the alterations to the pontoon, the appellant maintains that there has only been a small increase in volume, by reference to a commissioned volumetric study which estimated that the structure just prior to the works of alteration had a volume of about 172 m³, the altered structure being about 208 m³. While that increase in size may be modest, in visual terms I consider that the current structure appears much bulkier than its prior form, partly due to the full width extent of the downstream raised section and to the presence of guard rails around much of the perimeter which add significantly to the perceived height of the structure. Before any account is taken of the use, I consider that the altered structure has reduced MOL openness.

12. The restaurant component of the use has introduced significant amounts of paraphernalia, tables, chairs and umbrellas, as well as a likely increased level of activity, coming and goings which add substantially to the perception of a loss of openness by comparison with what was there before. It follows that the development fails to protect and enhance the open environment, thereby conflicting with a purpose of MOL. By extending non-river-related development into the MOL it has also adversely affected the contribution of this reach of the Thames to the physical structure of London by diluting the distinction between the river and the built-up area.
13. The appellant has argued that restaurant use of the pontoon should be considered as outdoor recreation and hence not, in principle, inappropriate in the MOL. In part this is by reference to the definition of 'Main town centre uses' in the NPPF Glossary, but in that case restaurants are among examples of 'leisure, entertainment and more intensive sport and recreation uses' category. I would read the 'restaurant' example as relating to a leisure use rather than the 'more intensive sport and recreation uses', but in any case the appeal site is not within a main town centre. I do not consider the restaurant use to amount to 'outdoor recreation' for the purposes of GB or MOL policy. The development does not therefore benefit from the exceptions to inappropriate development set out in NPPF paragraphs 154(b) and (h)(v). The uses listed therein are not a closed list, but it is well established that uses that will be within the exception should take their flavour or extent from the examples given. The emphasis in MOL terms is clearly on leisure and recreation uses that depend on open spaces. In this context I consider that the restaurant use is not among the outdoor recreation uses that fall within the exceptions indicated.
14. The NPPF paragraph 154(c) and (d) exceptions were also prayed in aid, but these apply to buildings, which the pontoon is not.
15. For these reasons I find that the development is inappropriate development in the MOL.

Character and appearance

16. The appeal site is within the Richmond Riverside Conservation Area ("the CA"), which is centred on the Thames and encompasses all the river between Richmond Bridge and Twickenham Bridge, and the parts of Richmond and Twickenham fronting that stretch of the river. The CA appraisal notes that the river is a unifying element in the character of the CA and a major contributor to activity in the area, including the active daytime and night-time economy. Activity on and alongside the river creates a recreational water frontage of much interest with strong association with leisure.
17. The appraisal notes a distinct contrast between the urban character of the Richmond bank, where the pontoon is moored, and the semi-rural character of the Twickenham bank. The Richmond bank is characterised by a well-ordered urban townscape of fine buildings set on the rising bank. Views from Richmond Bridge into the CA are dominated by the Richmond Riverside development of 1988 by Quinlan Terry, but the formal and well maintained stepped riverside terrace in front of the development emphasises the river as an open space for popular enjoyment. This is considered to be the primary green public realm within the CA. On the river bank the promenade, boats, boat houses and boat hire and the movement

generated along the river have created a recreational water frontage of much interest and a setting to the important buildings.

18. In views from Richmond Bridge the bulk, layout and restaurant paraphernalia of the altered pontoon appears discordant, lacking a legible river-related function. The height and width of the downstream raised deck with seating and umbrella canopies with the JCB alongside can be perceived as a contiguous block that appears discordant alongside the small scale riverboat moorings downstream, and this aggregation is likely to dominate the riverside at high tides when the whole will sit well above the riverbank. Seating and umbrellas on the upstream raised deck would see the perception of the entire pontoon in restaurant use, significantly eroding the contrast between the riverside development and uses and the river itself.
19. Seen from the promenade below Water Lane, an important public view noted in the Richmond Riverside Conservation Area Analysis Map, the JCB and the altered pontoon appear together as an unduly prominent and discordant presence, being out of scale with the moored river boats and the low level development on the waterfront, and again likely particularly so at higher tides.
20. For these reasons I consider that the development fails to preserve or enhance the character or appearance of the CA, contrary to (LP Policies). In NPPF terms the harm to the significance of the heritage asset would be less than substantial.
21. The development also falls within the setting of Richmond Bridge, the oldest surviving bridge crossing the Thames in London and Grade I listed. The bridge rises gently from either bank and rests on a series of 5 elliptical arches as it crosses the river. An elegant bridge, it has been portrayed by many artists, including JMW Turner. Historic representations and images of the bridge indicate that its full span and function could be appreciated from various viewpoints along Cholmondeley Walk, Riverside and the Richmond River Thames Towpath. Structures and features intruding upon views tended to be associated with river-related uses like moored boats and landing stages, which would not have significantly affected the appreciation of its significance.
22. The combined JCB and pontoon intrude markedly on views of the bridge from much of the Richmond bank. In longer views from Cholmondeley Walk the two structures are perceived as a single entity which entirely obscures views of the bankside arch on the Richmond side, even at low tide. Nearer the bridge the interference with views of the bridge increases, particularly at higher tides, to the extent that the combined structure competes with the bridge for attention. The JCB and its restaurant use are authorised of course, but for much of the approach to the bridge the two structures appear as one. Absent the altered pontoon the JCB would always partially obscure the full bridge at higher tides, though it would be readily perceived as river related, at least when not illuminated, which would mitigate the less than substantial harm it causes to the setting of the heritage asset. However, the two structures combined form a considerable barrier that is not legible as river-related and hence appears somewhat alien within the setting of the bridge. As such the appeal development fails to preserve the setting of the bridge and its special architectural and historic interest.
23. The Officer's Report recommending planning permission in 1992 for the mooring and restaurant use of the JCB barge commented that "the...barge would make a

positive contribution to the character and appearance of the conservation area and would not detract from the setting of neighbouring listed buildings including Richmond Bridge". I do not find that judgement surprising, the pontoon at that time was a low level utilitarian structure which would have enabled a full appreciation of the attractive and interesting JCB, to which the restaurant use would be confined. The appeal development, however, represents a significant increase in the physical extent of the restaurant use and its associated paraphernalia, so that the visual prominence of the use is much greater than would have been envisaged in 1992. Whatever contribution the JCB made to the character and appearance of the CA and the setting of the bridge has also been diminished to an extent by diluting its stand-alone presence as a feature of historic interest and obscuring views of the barge from the river.

24. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the LBCA Act") requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA, while Section 66 of the LBCA Act requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. For national planning policy purposes the harm to the CA and to the setting of the listed building amount to less than substantial harm. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
25. Among the public benefits is employment. At present the business employs 10-12 full time workers on a typical day, approximately 36 full time jobs, largely filled locally, and there is evidence that it makes a considerable contribution to the local economy. There is also evidence that it is considered an attractive facility for local users. It is claimed that the current restaurant would not be viable if no restaurant use could be made of the pontoon, and it is claimed that the pontoon would not be viable without the income from the restaurant, which covers the majority of the cost of mooring the pontoon. At present the pontoon also provides public benefits through its use by community based boating groups, some of which claim that there is no suitable alternative. Specific groups that might be affected are underprivileged children and disabled river users.
26. The notice does not require anything of the JCB, though it would have to accommodate its own kitchen and storage facilities, and while physical alterations to the pontoon are required, finances aside it would be expected, upon compliance, to still have the potential to provide most of the public benefits to river users that it provides today. Confined to the JCB, the restaurant, whoever operates it, would provide less employment and less economic benefit, but the cost in terms of loss of public benefits, setting aside the pontoon viability argument, falls well short of outweighing the heritage harm, having regard to the significance of the assets affected.
27. The potential for a more significant loss of public benefits depends on whether the outcome of the appeal would lead to the loss of the pontoon entirely, which in turn depends on the appellant's financial circumstances. However, I consider that the assertions in this respect are a worst-case scenario. It is possible that the benefits of a pontoon in the current location could be lost entirely, but the pontoon mooring structure would be unaffected and the siting of a pontoon there would still benefit from planning permission. While it was not explored at the Inquiry, the presence of

the mooring infrastructure, the existence of planning permission for pontoon mooring, and the benefits it clearly offers to river users means that there must remain a reasonable likelihood that if the current pontoon was to be permanently removed alternatives or adaptations would be explored.

28. Further, while there are indications that the current access to the pontoon for river users may be secured in the future by a formal agreement, as it stands the public benefits for river users are in the gift of the appellant, which reduces the weight I can attach to them. I consider nonetheless that considerable weight should be afforded to the benefits to river users.
29. Overall, however, I am not persuaded that the public benefits are sufficient to outweigh the heritage harm, which is substantial.
30. Development proposals within the Thames Policy Area are also expected to respect and take account of the special character of the relevant reach of the river as set out in the Thames Landscape Strategy (TLS). The appeal site is within the TLS Reach 9, which lies between Buccleuch Gardens and Richmond Weir. The Richmond bank of this reach is an important point for public access to the river and it is noted as having variety and liveliness. Nonetheless, I consider the significantly expanded restaurant use within the river corridor to have altered the character of the river corridor and blurred the contrast between the riverside and river-based activity, to the detriment of the special character of the reach.
31. The harm to the character and appearance of the area places the development in conflict with RLP Policies 28, 29 and 40.

The effect on river-dependent and river-related uses.

32. RLP Policy 41 aims to ensure that the character and openness of the river is safeguarded from inappropriate uses, while LP Policy SI16 provides that development proposals should protect and enhance waterway infrastructure. RLP Policy 41 support for development of an existing mooring expects the use to be river-dependent or river-related and that the development preserves the character, openness and views of the river. The accompanying text provides that permanently moored vessels and development into waterways should only be permitted for water-related uses. RLP Policy 40 also resists redevelopment of existing river-dependent or river-related business uses to non-river related employment uses.
33. As noted above, the alterations to the pontoon, which have been undertaken primarily to facilitate the restaurant use, have made it a more visually prominent feature which obscures some views of the river. With the restaurant use and its associated paraphernalia it dominates the character of the section of river just downstream of Richmond Bridge. It is clearly not a river dependent or related use. While it continues to enable access to the river, it has had to be adapted for that purpose by the addition of a river-level wooden walkway, without which it would not facilitate access to the more informal moorings downstream. Overall, while the pontoon retains a river related use, that use has been compromised and the pontoon no longer provides the level of river use support that it did before the redevelopment. As such it is contrary to RLP Policies 41 and 40 and LP Policy SI16.

Planning balance

34. The development is inappropriate in the MOL. Inappropriate development is harmful to the MOL by definition and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the MOL by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations. Substantial weight must be given to any harm to the MOL. In addition to the definitional harm, the MOL is also harmed by the loss of openness and the adverse effect on the distinction between the river and the built-up area. The harm to the heritage assets and the character and appearance of the area also weigh against the development, as does the conflict with development plan policies that seek to restrict development on the river to river-dependent or river-related development. The other considerations are those put forward as public benefits, which I have considered above. They do not clearly outweigh the harm, and so the very special circumstances required to justify a grant of planning permission do not exist.
35. The alternative proposals are permutations that all reduce aspects of the preferred development, though I have also been asked to consider any obvious alternatives. The specified alternatives for which plans have been provided involve various table configurations/levels of restaurant use, the removal of some or all guardrails, the removal of the upstream raised storage area, and the removal of some or all umbrellas. The least favoured alternative (Option 7) would involve the retention of the kitchen within the raised section at the downstream end only, which would still see the pontoon remain in the mixed use but with no restaurant customer use save for access to the JCB.
36. Options 1 to 4 would have no restaurant use of the upstream section, with the raised area lowered in Options 2-4, but while this would reduce the overt restaurant use from the upstream part of the pontoon close to Richmond Bridge, the majority of the pontoon would still be in that use with all the associated paraphernalia and activity, and as such would be inappropriate development in the MOL. It would still appear as a non-river-related use within the river corridor harmful to local character. Views of the bridge would be slightly improved from the terraces and riverbank close to the bridge, but the longer distance views from downstream would be no different.
37. Option 5 would also see the mid and downstream sections in restaurant use, but without umbrellas, and removal of the upstream raised deck. That would improve the visibility of Richmond Bridge from the bottom of Water Lane and Cholmondeley Walk, but the presence of railings, tables and restaurant activity on the downstream raised section would still impede views of the Bridge which are important to its significance. Option 6 would have the upstream raised section removed and that deck used for restaurant seating along with the mid-section, and the guardrails would be removed from the downstream. Views of the bridge from downstream would improved, but the restaurant use close to the bridge would cause some harm to the setting of the bridge. However, while there would be less paraphernalia, both options would see the majority of the pontoon in overt restaurant use, inappropriate development in the MOL, intrusive in the river channel and harmful to local character and the setting of the CA.
38. With all of these options it would be expected that the public benefits related to employment and the local economy would reduce somewhat, though there may be

improved benefits for river users having a greater proportion of the pontoon available, albeit these are not secured. In each case I consider that the public benefits would not outweigh the heritage assets harm, and there are not considerations sufficient to clearly outweigh the totality of the harm such that a grant of planning permission would be justified.

39. Option 7 would see the kitchen retained within the raised downstream section to serve the restaurant use of the JCB. All railings would be removed and the upstream deck lowered. There would still be restaurant use of the pontoon through the kitchen use and associated activities such as serving staff movement and patron access to the JCB, but it would not be overt restaurant use in the sense that it would be abundantly clear that the JCB was the focus of that use and the obvious related activity would not be dissimilar to the position absent the kitchen in that the pontoon provides access to the JCB in any case, so there would always be movement between the two and some related lighting on the pontoon.
40. Views of the bridge from downstream would be much as they were before the alterations to the pontoon since there had been a roughly 2.6m high storage structure across the width of the pontoon at the downstream end, and the volume of the pontoon would likely be slightly less than before the alterations. The visual aspect of openness would also be preserved. Although not a conventional pontoon structure in appearance, it would be sufficiently recognisable as a river-related structure serving a mooring purpose and river access. Viewed in the round I am satisfied that even with the kitchen use linked to the JCB it would not comprise inappropriate development in the MOL and it would not cause heritage or local character harm, or conflict with the river use restriction policies. As such I consider that it would accord with the development plan read as a whole.
41. I noted above that I have also been asked to consider any other obvious alternatives. The obvious alternative to Option 7 is the retention of the upstream raised area. This has particular advantages for river-related use in that it provides storage for oars and safety equipment which would otherwise have to be stored on land. The retention of the section would make the pontoon appear bulkier, and there would be an increase in volume, but I consider that the increase would not be disproportionate given that the storage function serves an important river-related and community purpose. Further, it would be acceptable within the setting of Richmond Bridge and the CA, and its functional river-related appearance would not be out of character in this reach of the Thames.

Overall conclusion

42. For the reasons given above I find that the development the subject of the deemed planning application and alternative Options 1 to 6 to be inappropriate development in the MOL, with harm also to the significance of the heritage assets, local character and conflict with river use policy. In the absence of considerations sufficient to outweigh the harm, planning permission must be refused.
43. I have found Option 7 to be acceptable, but because an obvious alternative would be to also retain the upstream storage area, I have considered that in addition and found it also to be in accord with the development plan. Although this particular configuration has not been explicitly considered by the Council, I did indicate at the Inquiry that I would consider it, and I am satisfied also that the Council has fully explored each element of the development such that I can fully understand its

position in relation to the upstream raised section, and I have taken that into account.

44. I shall therefore grant planning permission, subject to conditions, for the mixed use of the pontoon as altered, though without guardrails and umbrella related fittings, with the restaurant use being confined to the kitchen and associated storage within the raised downstream deck, along with circulation areas as necessary. Since the permission is for development less than that enforced against, the enforcement notice must be upheld. However, the operation of section 180(1)(a) of the 1990 Act means that the notice will cease to have effect so far as it is inconsistent with this permission.
45. Conditions restricting hours of use and requiring schemes of fire safety, odour treatment, external lighting and refuse storage are necessary in the interests of local amenity and character, and also ecology in the case of lighting and hours of use. I shall also require the submission of a layout plan identifying those areas of the pontoon to be accessible for mooring of vessels, including deck space to facilitate mooring and associated storage and access for users of moored vessels, in the interests of local character and having regard to policies that protect river-related uses. Since the main restaurant use of the pontoon will be limited to the use of the kitchen I shall also impose a condition linking that use to the use of the JCB as a restaurant, in the interests of local character and amenity.

Ground (f)

46. The purpose of the notice is to remedy the breach of planning control. An appeal on this ground therefore is that the requirements exceed what is necessary to remedy that breach. The various options I considered under ground (a) were put forward as lesser steps, but they require no further consideration under this ground. Notwithstanding the grant of planning permission for a lesser scheme, which will override requirements so far as they are inconsistent with the permission, no other lesser steps have been proposed that would remedy the breach of planning control enforced against. The appeal on this ground cannot therefore succeed.

Ground (g)

47. This ground is that the time for compliance is too short. Extended periods were sought to enable alternative premises to be found for the existing restaurant, to allow alternative arrangements to be made for the boating club users, and for the physical modifications to the pontoon. However, the limited grant of planning permission means that these circumstances do not arise, the physical modifications required being modest and capable of being done *in situ*, hence there is no need to extend the compliance period.

Paul Dignan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Saira Kabir Sheikh KC	Barrister
Liz Simes	Landscape
Nick Collins	Heritage
Richard Turk	Appellant
Philip Villars	Planning consultant

FOR THE COUNCIL:

Robin Green KC	Barrister
Lauren Way	Conservation & Urban Design
Marc Wolfe-Cowen	Landscape
Aaron Dawkins	Enforcement/Planning

INTERESTED PERSONS

Trevor Hall	Richmond Scouts
Chris Shaw	Skerries 4 School
Hilary Pereira	River Thames Society and Community Advisory Group of the Thames Landscape Strategy
Mike Adams	Local resident
Prudence Freeman	Restaurant operator
Mark Edwards MBE	Richmond Freewatermans Turnway Society

DOCUMENTS

1. Opening submissions - Appellant
2. Opening submissions - Council
3. Consent Order legal submissions and case law – Council
4. Summary table of Appellant and Council landscape and visual impact assessments.
5. Speaking Notes – Pereira
6. Speaking Notes – Adams
7. Speaking Notes – Edwards
8. Map of river access points – Edwards
9. Copy of final DPA plan before previous Inspector- TUK03MAA-XX-XX-A-0002 Rev P05
10. Closing – Council
11. Closing - Appellant
12. Council's response to Inspector's post-Inquiry note dated 4 February 2026
13. Appellant's response to Inspector's post-Inquiry note dated 4 February 2026

SCHEDULE OF CONDITIONS

- 1) The restaurant use of the pontoon hereby permitted shall only take place between the following hours:
0800 - 2300 Mondays to Saturdays, except Bank or Public holidays
0800 - 2200 Sundays and on Bank or Public holidays.
- 2) The restaurant use of the pontoon hereby permitted shall cease and all equipment and materials brought onto the pontoon for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - (i) Within 6 months of the date of this decision schemes for: 1.Fire Safety; 2. Refuse Storage; 3. The extraction and treatment of fumes generated by the restaurant use of the pontoon; and 4. External Lighting; shall have been submitted for the written approval of the local planning authority and the schemes shall include timetables for their implementation.
 - ii) If within 9 months of the date of this decision the local planning authority refuse to approve the schemes or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted schemes shall have been approved by the Secretary of State.
 - iv) The approved schemes shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 3) The restaurant use of the pontoon hereby permitted shall cease and all equipment and materials brought onto the pontoon for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - (i) Within 6 months of the date of this decision a Layout Plan identifying those areas of the pontoon to be accessible for mooring of vessels, including deck space to facilitate mooring and associated storage and access for users of moored vessels shall have been submitted for the written approval of the local planning authority and the Layout Plan shall include a timetable for its implementation.
 - ii) If within 9 months of the date of this decision the local planning authority refuse to approve the Layout Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Layout Plan shall have been approved by the Secretary of State.

iv) The approved Layout Plan shall have been implemented in accordance with the approved timetable.

Upon implementation of the approved Layout Plan specified in this condition, it shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) The restaurant use of the pontoon hereby permitted shall be restricted to use of the kitchen and storage on the lower deck at the downstream end of the pontoon and for the purposes of access to the Jesus College Barge, and that use shall be only for the purposes of supporting the use of the Jesus College Barge, while it is moored to the pontoon, as a restaurant.