

Chichester District Council

Planning Committee

Wednesday 21 April 2021

**Chichester Harbour Conservancy Consultation on Planning Principle 19:
Houseboats**

1. Contact

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2. Recommendation

- 2.1. The Planning Committee is asked to note the contents of the Chichester Harbour Conservancy consultation on the proposed Planning Principles 19: Houseboats, and to comment on and endorse the proposed response to the consultation.**

3. Background

- 3.1** The Chichester Harbour Conservancy (CHC) has published a consultation document titled 'Planning Principle 19: Houseboats' (PP19). CHC are seeking views on the introduction of PP19 which would form part of the Chichester Harbour Management Plan if adopted. The purpose of PP19 is to set out the planning considerations for new houseboats within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The Chichester Harbour Management Plan is a document produced by the CHC to supplement the adopted policies of the relevant Local Planning Authorities (LPA's) covering Chichester Harbour AONB. The Chichester Harbour Management Plan is a material consideration for LPA's; however it is not part of the Development Plan.
- 3.2** The consultation period runs from 12 March 2021 until 30 April 2021. A copy of the CHC consultation document can be viewed online (see weblink below under 'Background Documents').

4. Consultation response

4.1 The consultation invites feedback on the wording of PP19. The document makes it clear that the guidance relates to when planning permission is required, and not the separate consent regime. The guidance is divided into categories as set out below.

i) Within the limits of the harbour but not in a marina

4.2 The guidance indicates that houseboats outside of marinas are likely to be resisted due to its likely impact on navigation, the AONB and nature conservation. Objections would be raised if a houseboat or its operation would be harmful in terms of navigational safety, landscape, or nature conservation, or it would constrain use of the open water by other harbour users, where conditions would manage or mitigate impacts. It is considered that matters relating to landscape impacts, environmental impacts and the character of the AONB would be reasonable planning considerations, however navigational safety would not generally constitute a material planning consideration.

ii) Within the harbour and within the limits of a marina

Marina's impounded by a sea wall

4.3 These marinas include Birdham Pool Marina; Chichester Marina; Emsworth Yacht Harbour; and Northney Marina. There are 11 key considerations proposed in the guidance concerning the environmental impacts, viability of marine activities and operation of the harbour, design and character of the area, and the safety of the occupants. The guidance seeks to limit the maximum number of houseboats to five vessels, or up to 1% of licenced berths, whichever is the greater, in order to manage the cumulative impact of houseboats. It is considered that the proposed guidance would be appropriate to manage the potential environmental and visual impacts of house boats whilst sustaining marine related activities and the local marine economy.

Marinas Un-Impounded by a Seawall

4.3 This applies to: Hayling Yacht Company; Sparkes Marina; and Thornham Marina. The guidance notes that these are more prominent locations that are more sensitive in terms of the impacts upon birds and recreational disturbance. In addition to the 11 criteria a more stringent assessment of the impacts would be necessary and if permitted occupation should be limited to April to September only to avoid disturbance of over wintering birds. The proposed guidance would ensure appropriate measures are taken to manage the impacts of houseboats upon designated sites within the harbour.

'Beds on Board' and Similar Models of Hire

- 4.4 The guidance proposes that these would be considered as per the preceding guidance; however additional conditions may be imposed due to the likely lack of experience of occupiers and short term nature of the occupancy. In general the guidance lacks detail about what type of occupancy would be included within this category and it is considered that further detail should be provided to ensure the guidance is applied when necessary. In addition, the document does not explain what additional conditions may be required or their justification. Planning conditions must meet the 6 legal tests of being necessary, relevant to the development, relevant to planning, enforceable, precise, and reasonable in all other respects. It is not clear how the guidance and the intention to use conditions would comply with these requirements, which is a concern.

Chichester Canal

- 4.5 The guidance is clear that replacement houseboats on the canal are likely to be supported provided any increase in size is limited to now more than 25% greater than the existing. However additional boathouses in locations where there are none at present are less likely to be acceptable, in the rural area. In principle the proposed approach is reasonable, however the part of Chichester Canal falling within the AONB lies within the rural area, and it is considered that the guidance should be clearer as to whether, and where, any additional houseboats would be acceptable.
- 4.6 The proposed response to the consultation is:

The proposed management of houseboats as set out in the consultation PP19 document, where planning permission is required, would ensure that a range of physical, environmental and visual impacts would be taken into account in decision making. The overall approach is welcomed; however there are some concerns which should be addressed prior to adoption of the PP19. Firstly, there is a concern that navigational safety has been included within the guidance as a consideration for some houseboats, because the local planning authority is not clear on what would constitute harm to navigational safety or how this would be assessed during the course of an application. Secondly, it is considered that the local planning authority should determine what conditions would be appropriate should an application be recommended for approval and it would not be reasonable to impose additional conditions on the basis that inexperienced people may occupy a boat available for a short period because this may not meet the legal tests for the use of planning

conditions. Thirdly, it is considered that the guidance should be clearer about what constitutes a 'Beds on board or similar models of hire'.

5.0 Proposed Council response

5.1 Members are asked to;

- i. note the contents of the consultation proposals, and
- ii. comment on and endorse the proposed Council response set out in paragraph 4.6.

6.0 Background documents

6.1 CHC Planning Principles 19: Houseboats:

[d-CH_Management_Plan_\(PP19_Houseboats\)_REV2-thBJmksMU7.pdf \(conservancy.co.uk\)](#)