



ADUR DISTRICT
C O U N C I L

Adur Planning Committee
8 February 2021
Agenda Item no. 8

Ward: Marine Ward

ADC Good Practice Guide for Houseboats

Report by the Director for the Economy

1.0 Summary

- 1.1 An updated version of the 'Adur Houseboats Good Practice Guide' has been produced. (This updated document will supersede the previous version). This report seeks the comments of the committee on the document prior to the Executive Member for Regeneration considering the updated practice guide.

2.0 Background

- 2.1 A Good Practice Guide to Houseboats was published by Adur District Council in 2007. This related to the existing area of houseboats on the south side of the river Adur. The houseboats of Shoreham are part of the town's character, providing a unique type of housing. However, it is important to ensure that the natural environment of this part of the river is conserved and enhanced. Development can have a positive or negative impact on the appearance of the area, on residential amenity and on the sensitive biodiversity of the area.
- 2.2 This updated Good Practice Guide advises existing and future houseboat owners on the type of development and changes which are appropriate to the houseboats and those which are not, taking account of the need to protect and enhance the river environment whilst respecting the unique characteristics of the houseboat community, and ensuring the privacy of the houseboats residents. This Good Practice Guide, together with the Adur Local Plan 2017, will provide a framework for considering any applications submitted to Adur District Council and the Environment Agency.

- 2.3 The Guide refers to relevant planning policies from the Adur Local Plan 2017 (including those relating to the Local Green Gap, countryside, biodiversity and water quality.)
- 2.4 Houseboats do not benefit from permitted development rights in the way that houses on land do; this is because they are not consistent with the definition of development. (“Development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land - Town and Country Planning Act 1990). This is a result of national legislation and not something that the local authority can change. As a result some works, such as the erection of outbuildings that may normally be allowed under permitted development for a dwelling house will require permission for a houseboat. Houseboats are exempt from Building Control regulations
- 2.5 The document has been updated to take account of a range of factors, including:
- i) the updated planning policy context; references to the Adur Local Plan 1996 have been replaced and updated with the Adur Local Plan 2017 and relevant policies.
 - ii) development of the Adur Tidal Walls
 - iii) the creation of the Marine Management Organisation: the document explains that certain works may require a licence from the Marine Management Organisation, and indicates where further advice can be found.

3.0 Proposals

- 3.1 The document gives advice on planning-related matters, including works likely to require planning permission; relevant planning policies; guidance on appropriate size of houseboats, and the issue of additional houseboats on a single mooring.
- 3.2 Although this document will provide a framework for considering relevant applications submitted to ADC, it is not proposed that this Guidance document be made a Supplementary Planning Document (SPD). SPDs are designed to expand on policies within Local Plans or other Development Plan Documents. Although Policy 11 of the Adur Local Plan 2017 makes reference to this guide, the guide also addresses some issues which go beyond planning matters. These include advice on biodiversity; the responsibilities of houseboats owners in relationship to moorings; utilities matters (including sewage), and works requiring environmental permits from the Environment

Agency (in consultation with Natural England and the RSPB) and Marine Management Organisation.

- 3.2 As a result, this document will not have the weight of a SPD. This is consistent with the previous Good Practice Guide of 2007, which again, was not adopted as a Supplementary Planning Document.

Consultation

- 3.3 Liaison has taken place with the Environment Agency, Royal Society for the Protection of Birds (RSPB), Marine Management Organisation, Shoreham Port Authority, Natural England, and some residents of the houseboats.

4.0 Legal

- 4.1 Recent case law has confirmed that the use of houseboats may amount to a material change of use and may require planning permission (*R(KP JR Management Company Ltd) v London Borough of Richmond & Key Marine Ltd [2018] EWHC 84 (Admin)*). Section 3.2 of the guidance confirms that planning permission may be required in various different circumstances including for the replacement of and alterations to houseboats.

- 4.2 As confirmed in the guidance, in addition to planning permissions, other consents, licenses and permissions may be required in respect of houseboats, for example a marine license from the Marine Management Organisation or environmental permit from the Environment Agency. The guidance provides further information about these regimes and encourages existing and future houseboat owners to obtain further information from the relevant regulatory body.

5.0 Financial implications

- 5.1 No additional financial implications are anticipated as a result of approving this guidance

6.0 Recommendation

- 6.1 It is recommended that the contents of this document are noted, and any comments are forwarded to the Executive Member for Regeneration.

Local Government Act 1972

Background Papers:

Adur Good Practice Guide for Houseboats 2007

Adur Local Plan 2017

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Smarter infrastructure - using innovation, planning and design to future proof what we build, use and live in; working with communities already active in stewardship and guardianship of our natural environments

2.0 Specific Action Plans

- 2.1 The Guide updates the existing Houseboats Guidance published by the Council in 2007.

3.0 Sustainability Issues

- 3.1 The document aims to support sustainable forms of development and reduce potential adverse impacts arising from houseboat-related development.

4.0 Equality Issues

- 4.1 None identified.

5.0 Community Safety Issues (Section 17)

- 5.1 None identified

6.0 Human Rights Issues

- 6.1 None identified

7.0 Reputation

- 7.1 The Guide aims to positively assist the local community.

8.0 Consultations

- 8.1 Liaison has taken place with the Environment Agency, Royal Society for the Protection of Birds (RSPB), Marine Management Organisation, Natural England and residents of the houseboats, on the content of the document, which has been amended to reflect up-to-date responsibilities.

9.0 Risk Assessment

9.1 Failure to update the document could result in a lack of understanding of current regulatory requirements.

10.0 Health & Safety Issues

10.1 None identified.

11.0 Procurement Strategy

11.1 Not relevant.

12.0 Partnership Working

12.1 See 'Consultation' above.