



ADUR DISTRICT COUNCIL

Executive Member for Regeneration
23 March 2021

Decision to be taken on or after
31 March 2021

Key Decision: No

Ward(s) Affected: Marine Ward

ADC Good Practice Guide for Houseboats

Report by the Director for the Economy

Executive Summary

Purpose

- 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 endorsement of the Executive Member for Regeneration of the updated practice guide, which will then be published on the Council's website.

Recommendations

2.1 Recommendation One

- That the Executive Member considers the comments forwarded from Adur Planning Committee
- That the Executive Member endorses the updated Houseboats Guide
- That the updated Houseboats Guide is published on the Council's website.

3. Context

3.1 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.

3.2 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.

3.3 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.)

3.4 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.

3.5 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.

4. Issues for consideration

4.1 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.

4.2 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.

4.3 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.

5. Engagement and Communication

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

5.2. The draft Good Practice Guide was considered at a meeting of the Adur Planning Committee on 8th February 2021. The Committee requested that comments were forwarded to the Executive Member for Regeneration on two matters, as follows.

5.3 Firstly, a Member referred to 3.2 of the guide which stated that planning permission would be required for fences over 2 metres and said he felt that was high for a fence and could block views of the estuary. He then referred to 7.3 of the guide which stated fences should be kept low, up to 1 metre, and therefore sought clarification. The Planning Services Manager advised that the normal rules for fences that were not adjacent to a road or public footpath, were that they could be built up to 2 metres without planning permission. However, the Officer agreed it was tall in that particular area, hence, Officers had stated it was preferred that fences were only erected if necessary, and kept to 1 metre. He said that unfortunately, in certain

locations, if they were between 1 and 2 metres in height they would not require planning permission but felt the guide was correct in stating the Council's preference.

5.4 Secondly a Member raised a further query regarding the discharge of sewage and that the guide stated it was preferable that discharge of untreated sewage and other wastes to the estuary were avoided. However, he felt it should be ceased altogether. The Officer referred the Member to 11.2 of the guide which stated that at present there was not a financially viable solution to the issue. Members asked that their concerns regarding this matter, and the matter of potentially tall fences be forwarded to the Executive Member.

6. Financial Implications

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

7. Legal Implications

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.

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.

Background Papers

Adur Good Practice Guide for Houseboats 2007

Adur Local Plan 2017

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Sustainability & Risk Assessment

1. Economic

No issues identified

2. Social

2.1 Social Value

The updated Guide provides advice to those residents of houseboats in the defined area.

2.2 Equality Issues

No issues identified

2.3 Community Safety Issues (Section 17)

No issues identified.

2.4 Human Rights Issues

No issues identified.

3. Environmental

There are a range of environmental matters addressed by the Guide, including potential impacts on biodiversity, and advice regarding the need for environmental permits to be obtained in certain circumstances. The document aims to support sustainable forms of development and reduce any potential adverse impacts arising from houseboat-related development.

4. Governance

- Working with communities already active in stewardship and guardianship of our natural environments
- The Guide updates the existing Houseboats Guidance published by the Council in 2007.