

**Enforcement of Planning Control
Enforcement Item for Consideration:
Waveney Inn and River Centre, Burgh St Peter**
Report by Head of Development Management

Summary: This report concerns the unauthorised installation of two ferry mooring posts.

Recommendation: That no further action be taken.

Location: Waveney Inn and River Centre, Staithe Road, Burgh St Peter, Beccles

1 Background

- 1.1 In 2012 an application was submitted for the installation of mooring posts to facilitate the running of a ferry for pedestrians and cyclists at the Waveney River Centre in Burgh St Peter (BA/2012/0041). A report on the application was prepared for the 30 March 2012 meeting of the Planning Committee with a recommendation for approval, however the application was withdrawn prior to its consideration by the Planning Committee. The reason for that withdrawal related to a dispute between the applicant and a neighbouring landowner.
- 1.2 Subsequent to that withdrawal, the mooring posts were nevertheless installed and comprise two timber mooring posts within an existing cut by the bank opposite the Waveney River Centre. The posts are constructed from timber, protrude from the water by approximately 1.2m, and are spaced 3m apart.
- 1.3 For the 2012 season the mooring posts were used to secure the ferry and allow passengers to safely disembark onto the public footpath on Peto's Marsh and stop the ferry from being moved by the tides or wind by creating a 'pen'.

2 Site and Location

- 2.1 The site is situated in a fairly remote and rural location within the valley of the River Waveney, by Burgh St Peter. Waveney Inn and River Centre is a holiday complex consisting of a boatyard, holiday accommodation, camping and caravan park, public house and associated facilities. Holiday-hire boats and private boats moor up at the centre as well as day boats and the site operates a hire fleet.
- 2.2 A public footpath which connects to the Angles Way (450m upstream) runs up to the river's edge on the bank opposite the Waveney River Centre.

Historically, a passenger ferry service brought people from the footpath across the river onto the bank where the Waveney River Centre is located. The ferry operated from the early 20th Century until 1950 when the use was abandoned.

3 The Planning Breach

- 3.1 It is considered that the works which have taken place constitute development for which planning permission is required. It should be noted that the breach relates to the operational development comprising the mooring posts only and not the operation of the ferry.
- 3.2 The landowner has been requested to submit a retrospective application, but has declined.
- 3.3 Given the above, and that the landowner intends to continue to run the ferry for the 2013 season, a decision must be taken on whether or not to take any action in respect of the breach. It should be noted that enforcement action is not mandatory, but is at the discretion of the Local Planning Authority (LPA) and the LPA must decide whether or not it is expedient to take such action, having regard to the provisions of the development plan and to any other material considerations. In determining expediency, an LPA needs to be mindful of the harm that is being caused by the breach and the acceptability in planning terms of what is being undertaken.

4 Action Proposed

- 4.1 It is noted that when the original application for the mooring posts was assessed it was concluded that the proposal was acceptable and approval was recommended. It is noted that the proposal was considered to be in accordance with adopted Core Strategy (2007) Policy CS1 and adopted Development Management Policies DPD (2012) DP1, DP4, DP12, DP16 and DP27. There have been no significant changes in policy direction relevant to this development since.
- 4.2 It should also be noted that there is support in the NPPF for development which improves access to the countryside and paragraph 28, is relevant..
- 4.3 There are no material considerations which over-ride the above policy provisions and were an application to be submitted it is likely that planning permission would be granted.
- 4.4 Finally, there are no over-riding issues of public interest which indicate that action should be taken to remedy the breach.
- 4.5 In summary, it is therefore is considered there are no grounds on which to argue that enforcement action is currently expedient. It is recommended that no further action is taken.

5 Financial Implications

5.1 There are no legal costs associated directly with this course of action.

Background papers: Planning File BA/2012/0041/FUL

Author: Cally Smith
Date of report: 10 April 2013

Appendices: Appendix A: Previous Committee Report – 30 March 2013

Application for Determination

Parish	Burgh St Peter		
Reference	BA/2012/0041/FUL	Target date	10.04.2012
Location	Waveney Inn and River Centre, Staithe Road, Burgh St Peter, Beccles		
Proposal	Installation of 2 mooring posts		
Applicant	James Knights		
Recommendation	Approve subject to conditions		
Reason referred to Committee	Applicant is a member of the navigation committee		

1 Description of Site and Proposals

- 1.1 The application site is situated in a fairly remote and rural location within the valley of the River Waveney, by Burgh St Peter. Waveney Inn and River Centre is a holiday complex consisting of a boatyard, holiday accommodation, camping and caravan park, public house and associated facilities. Holiday-hire boats and private boats moor up at the centre as well as day boats and the site operates a hire fleet.
- 1.2 A public footpath which connects to the Angles Way (450m upstream) runs up to the river's edge on the bank opposite the Waveney River Centre. Historically, a passenger ferry service brought people from the footpath across the river onto the bank where the Waveney River Centre is located. The ferry operated from the early 20th Century until 1950 when the use was abandoned.
- 1.3 The applicant seeks to run a ferry service once more and the proposal is for the erection of two timber mooring posts within an existing cut by the bank opposite the Waveney River Centre. The mooring posts would be used to secure the ferry and will allow passengers to safely disembark onto the public footpath on Peto's Marsh and stop the ferry from being moved by the tides or wind by creating a 'pen'. The posts are proposed to be constructed from timber, protrude from the water by approximately 1.2m, and to be spaced 3m apart.

- 1.4 It is important to note that this application is for the operational development comprising the installation of the posts only.

2 Site History

None.

3 Consultation

Broads Society - Restoration of the ferry service is an excellent project, re-opening the footpath link. It is to be regretted that the landowner on the Carlton Marshes side will not permit a replacement landing stage to be constructed. Reinstatement of the original quay heading would have been preferable but the mooring posts will provide a satisfactory alternative.

Parish Council - response awaited.

District Member - response awaited.

Suffolk County Council - response awaited.

Suffolk Wildlife Trust - The site lies within the River Waveney County Wildlife Site. However, based on the available information, this proposal does not appear likely to have any impact upon the County Wildlife Site. Nor does it appear to have any impact upon any UK protected species or designated habitat or priority Suffolk Biodiversity Action Plan habitats or species.

4 Representation

None.

5 Policies

5.1 Core Strategy (Adopted 2007)

[Core Strategy \(Adopted Sept 2007\).pdf](#)

Policy CS1- Landscape.

5.2 Development Management Policies DPD (Adopted 2012)

[DMP DPD - Adoption version.pdf](#)

Policy DP1- Natural Environment

Policy DP4- Design

Policy DP12- Access to the water

Policy DP16- Moorings

Policy DP27- Visitor and Community Facilities and Services.

6 Assessment

- 6.1 The main issues to consider in the determination of this application are the principle of the development, impact on the character of the area and impact on navigation.
- 6.2 It is considered that the installation of the mooring posts will facilitate the development of a ferry service and therefore help improve pedestrian access across the Broads. This is in accordance with Development Management Policies and is supported.
- 6.3 Mooring posts are characteristic of the area and given their scale are considered to have a negligible impact on the wider landscape. Timber is a traditional material used for waterside infrastructure and is therefore considered appropriate.
- 6.4 The posts are proposed to be installed within an existing cut and not within the main navigational channel. It is therefore considered that there will be no adverse impacts on navigational safety.

7 Conclusion

- 7.1 The development is considered to aid improved access across the Broads and improve an existing visitor facility which is welcomed. The impact on the surrounding landscape is considered negligible and the posts are considered in character with the waterside infrastructure which exists within the immediate vicinity. It is not considered that the proposal will have an adverse impact on navigational safety or neighbouring amenity.

8 Recommendation

- 8.1 Approve subject to the following conditions:
 - 1. Time limit.
 - 2. In accordance with plans.

9 Reasons for Recommendation

- 9.1 The development is considered in accordance with development plan policy and in particular considered in accordance with Policy CS1 of the Core Strategy (Adopted 2007) and policies DP1, DP4, DP12, DP16 and DP27 of the Development Management Policies DPD (Adopted 2011).

Background papers: BA/2012/0041/FUL

Author: Kayleigh Wood
Date of Report: 12 March 2012

List of Appendices: APPENDIX 1: Site Location Plan

APPENDIX 1

BA/2012/0041/FUL - Waveney Inn And River Centre, Staithe Road, Burgh St Peter
Installation of 2 mooring posts

