Town and Country Planning Act 1990, section 174

Appeal Reference - APP/L5810/C/23/3333609

Enforcement Appeal Made by Turks Launches Limited ('the appellant') relating to the Pontoon and land adjacent to Richmond Bridge Pier, Richmond Riverside, TW9 1TH ('the appeal site').

Public Inquiry to be held between 13th – 15th January 2026

Proof of Evidence of Aaron Dawkins for the Council of the London Borough of Richmond

1. I, Aaron Dawkins, have been employed as a Senior Planning Enforcement Officer for the London Borough of Richmond since September 2021. Prior to this, I was employed by Elmbridge Borough Council, firstly, as a Planning Compliance Officer between June 2017 and January 2019 and then a Senior Compliance Officer from January 2019 to September 2021. In total, I have eight years' experience in roles which have required me to investigate breaches of planning control for Local Planning Authorities.

2. I hold a Bachelor of Arts degree in Media Arts from St. Mary's University, and have completed a Modular and Certificated Course in Planning Enforcement, delivered by Trevor Roberts Associates.

3. The evidence which I have prepared and provide for this appeal in this proof of evidence is true and I confirm that the opinions expressed are my true and professional opinions.

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Appendices

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   The site is outside of these designations:

   - PM7 – Town Centre Map
   - PM8 – Cultural Quarter Map
   - PM9 – Key Business Area Map
   - PM10 – Public Open Space

1. Investigations and Background

4. I first received a report of works to the pontoon on 13 July 2022 and undertook a site visit on 21 July 2022. At that time, the pontoon was being used predominantly for meal preparation and restaurant seating (see figures 12-15 in Lauren Way's Appendix 2), which represented a significant departure from its historic function (compare e.g. figure 1 in the same Appendix). Subsequent investigations into the planning history established that the barge had been granted planning permission under reference 92/0659/FUL, but that the pontoon had undergone substantial alterations to facilitate its current use as a restaurant. While limited historic evidence of restaurant seating existed, this was confined to a small number of tables adjacent to the barge and appeared to have ceased around 2015. In contrast, my inspection revealed that the pontoon floorspace was being used exclusively for restaurant purposes, amounting to a material change of use. I advised the appellant that planning permission was required for both the physical works and the restaurant use, and that permission was unlikely to be granted.

5. Further correspondence and a site meeting in October 2022 confirmed that the pontoon had been fitted out with sophisticated kitchen and storage facilities, evidencing its conversion into a fully equipped restaurant. Although the appellant's agent subsequently submitted drawings, photographs, leases, and premises licences purporting to demonstrate historic restaurant use, my review concluded that such use was sporadic and limited, and that any previously accrued lawful use had been abandoned. The extent of the current restaurant operation was materially different to the historic position, and the physical works undertaken constituted development requiring planning permission. On this basis, and following legal advice obtained in June 2023, I prepared a report recommending formal enforcement action, which culminated in the issue of the Enforcement Notice on 11 October 2023. This was the subject of an appeal, determined at an inquiry in April and May 2024. In that appeal the appellant raised grounds (a), (b), (c), (d), (f) and (g), all of which were dismissed. The appeal decision was published on 20 May 2024.

6. Although that appeal decision was subsequently the subject of a successful legal challenge by the appellant, resulting in the appeal now being re-determined, the basis of that legal challenge was narrow. The appellant expressly accepted the Inspector's findings on grounds (c) and (d), and did not allege any error in the way the Inspector dealt with grounds (b) and (g). As to grounds (a) and (f), the statement of reasons attached to the consent order allowing the appellant's challenge records:

> "*4. … in relation to grounds (a) and (f), the Claimant claims that the Inspector failed to address whether he should grant planning permission for part of the matters stated in the EN, or whether lesser steps than permanently ceasing the unauthorised use of the pontoon and its restoration to its previous physical condition would overcome the identified harm.*
> *5. In particular, it is said that the Inspector should have considered whether to grant permission for an alternative proposal comprising "the operational development including the raised area that includes the underdeck kitchen and not the mixed use or the umbrellas and railings"*."

7. Therefore, it was on the basis that the previous Inspector failed to deal with this alternative proposal properly, and only on this basis, that the challenge was allowed. No other error was relied on.

8. Although the appellant's legal challenge was successful, the 2024 appeal decision nonetheless provides a detailed, independent and objective planning assessment of the merits of the development enforced against. In my professional view, the reasoning contained within the first appeal decision constitutes a material consideration in the current proceedings[1]. Accordingly, reference will be made to that decision within my statement, insofar as it assists in evaluating the planning issues and provides an informed context for the matters now before the Inspector.

[1] If this is contested as a matter of law, the Council's legal representative will address the point.

9. Following the successful legal challenge and the appeal being returned for re-determination, the Council has since adopted (on 7 October 2025) a new Local Plan, the Richmond upon Thames Local Plan 'The best for our borough' (2024 to 2039). I have carefully considered what I believe to be the relevant policies within this updated framework, in the context of the appeal site and the issues under consideration. In my judgment, the adoption of the new Local Plan has not materially altered the planning position. The conclusions reached in the previous appeal decision, together with those set out in my proof of evidence and Statements of Case, remain valid and continue to provide a sound basis for assessing the merits of this case.

2. The Grounds of Appeal

10. Paragraph 2 of the CMC meeting note records that "It was agreed that redetermination should be confined to grounds (a), (f) and (g), which will be considered *de novo*." I shall address these grounds of appeal in order.

Ground (a) - That planning permission should be granted for what is alleged in the notice

The main issues

11. In para 73 of the previous appeal decision the following main issues under ground (a) were listed:

(1) Whether any matter alleged in the notice is inappropriate development within the Metropolitan Open Land (MOL), which is given protection equivalent to Green Belt in the London Plan.

(2) The effect of the matters alleged in the notice on the openness and purposes of including land in the MOL.

(3) 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.

(4) The effect on river-dependent and river-related uses.

(5) The environmental effects including air, noise and light pollution, and odours and fumes.

(6) If any matter alleged in the notice constitutes inappropriate development, 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.

12. At the CMC it was agreed that these remain the main issues under ground (a), save that the environmental effects can be dealt with by way of conditions. My colleagues, Lauren Way, the Council's Principal Conservation and Urban Design Officer, and Marc Wolfe-Cowen, Principal Urban Design Officer, address issues (2) and (3) in detail. I take their evidence into account, and their evidence should be read with mine.

13. The Council's case on the Ground (a) appeal has already been fully set out in its Statement of Case at paras 4.15-4.45 and I do not intend to repeat the substance of those paragraphs. I acknowledge that the development plan has changed, but the thrust of the relevant policies has remained the same. Likewise, although there have been some changes to national policy in the NPPF, these changes do not require a different approach to the appeal than was taken in 2024.

(1) Whether any matter alleged in the notice is inappropriate development within the Metropolitan Open Land (MOL)

14. In the previous appeal decision the Inspector concluded (for the reasons set out in paras 74-78) that the outdoor restaurant use, and the operational development connected with it, did not constitute "outdoor recreation" within what was then paragraph 155(e) of the NPPF, now para 154(h)(v). There was no other basis on which it could be argued that the development in issue was appropriate, and it followed that the development was inappropriate for Green Belt and MOL purposes. There has been no challenge to this aspect of the Inspector's decision and I agree with it.

15. Current Policy 35 of the Local Plan reflects national policy. Policy 35(B) states: "*Appropriate uses within the Green Belt or Metropolitan Open Land include public and private open spaces and playing fields, outdoor recreation and sport, biodiversity including rivers and bodies of water, open community uses including allotments and cemeteries. Development will only be supported if it is appropriate and helps secure the objectives of improving the Green Belt or Metropolitan Open Land, subject to national planning policy tests.*" In my view, this aspect of Green Belt/MOL policy is unchanged and the development enforced against remains inappropriate. It follows that substantial weight should be given to the harm caused and permission should not be granted unless the appellant can establish very special circumstances, which means the potential harm to the MOL by reason of inappropriateness, and any other harm resulting from the development, must be clearly outweighed by other considerations (Policy 35(A), (C); NPPF para 153).

16. I am aware that the current version of the NPPF now includes the concept of "grey belt", meaning "*land in the Green Belt comprising previously developed land and/or any other land*

that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development". Although MOL has the same level of protection as Green Belt, it is not the same as Green Belt and does not have the same purposes (compare para 143 of the NPPF and policy G3B of the London Plan). As stated in the supporting text to Policy 35, "*Metropolitan Open Land (MOL) is unique to London and protects strategically important open spaces within the built environment*". Accordingly, I do not consider that the concept of grey belt has any relevance to MOL.

(2) The effect of the matters alleged in the notice on the openness and purposes of including land in the MOL

17. This issue is dealt with in the evidence of Mr Wolfe-Cowen, which I agree with and will not repeat.

(3) 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

18. This issue is dealt with in the evidence of Ms Way and Mr Wolfe-Cowen, which I agree with and will not repeat.

(4) The effect of the matters alleged on river-dependent and river-related uses

19. The Council's Local Plan Policies 40 (Rivers & River Corridors) and 41 (Moorings and Floating Structures) resist the loss of existing river-dependent and river-related uses, as they contribute to the special character of the River Thames. These are essentially the same as policies LP18 and LP19 in the previous Local Plan. For convenience, I set out the relevant parts of policies 40(F) and 41(C):

> 40(F) "*The Council will resist the loss of existing river-dependent and river-related uses that contribute to the special character of the River Thames, including river-related industry (B2) and locally important wharves, boat building sheds and boatyards and*

other riverside facilities such as slipways, docks, jetties, piers and stairs. This will be achieved by:

1. *resisting redevelopment of existing river-dependent or river-related industrial and business uses to non-river related employment uses or residential uses unless it can be demonstrated that no other river-dependent or river-related use is feasible or viable;*
2. *ensuring development on sites along the river is functionally related to the river and includes river-dependent or river-related uses where possible, including gardens which are designed to integrate and enhance the river, and be sensitive to its ecology;*
3. *requiring an assessment of the effect of the proposed development on the operation of existing river-dependent uses or riverside gardens on the site and their associated facilities on- and off-site; or requiring an assessment of the potential of the site for river-dependent uses and facilities if there are none existing;*
4. *…;*
5. *requiring setting back development from river banks and existing flood defences along the River Thames.*"

41C: "*A new mooring or other floating structure or development of an existing mooring will be supported if it complies with the following criteria:*

1. *it does not harm the character, openness and views of the river, by virtue of its design and height;*
2. *protects and/or enhances the biodiversity of the river;*
3. *the proposed use is river-dependent or river-related;*
4. *there is no interference with the recreational use of the river, riverside and navigation; and*
5. *the proposal is of wider benefit to the community.*"

20. River-dependent and river-related uses are described in the Local Plan at paras 21.99-21.101:

> *"21.99 River-dependent uses are those whose primary purpose is dependent on the river for siting and function. They are defined as an activity which can only*

be conducted on, in, over or adjacent to the river because the activity requires direct access to the river and which involves, as an integral part of the activity, the use of the water. River-dependent structures which may in exceptional circumstances be permitted to encroach into the river and its foreshore include tunnels, bridges, jetties, piers, and slipways.

21.100 River-dependent facilities, such as boatyards and sheds, public and private wharves, slipways, wet and dry docks and cranes, as well as piers, pontoons, jetties and stairs are essential for the survival of the river related industry and to support the continued active use of the river. Therefore, they will be protected so that they are not lost to other uses. The Council supports in principle the safeguarding of the sites identified in The Mayor's Assessment of Boatyard Facilities on the River Thames (2007) and the network of Safeguarded Wharves.

21.101 River-related industrial and business uses, especially those supporting river-dependent uses involving the construction, repair, sale and servicing of river craft, make a vital contribution to the continuation of the historic tradition and function of the River Thames for transportation, communication and recreation and they also play a role in the local economy. This also includes uses and structures that support water-based passenger, tourism and freight transport as well as water-based sport and leisure activities, including visitor and pleasure craft moorings. There should be a move to reducing carbon emissions and the environmental impact, for example away from diesel engines. River-related uses may also include a garden or park specifically designed to enhance public appreciation and public access to the river."

21. The use of the pontoon as a restaurant (a use which is not water-based, and which usually take place on land) is not a river-dependent or river-related use as described above and is not supported by the development plan. A similar finding was made by the previous Inspector (see e.g. para 123 of his decision letter). In theory, many business uses could take place on a boat or floating structure, but this would not make them river-related. The fact that the

pontoon is used in connection with the barge, which is permanently moored, does not alter this.

22. The restaurant use takes up most of the pontoon, greatly reducing the area available for the pre-existing river-related use for the mooring of boats (and ancillary storage).

23. London Plan policy SI 16(A) and (B) seek to protect and enhance waterway infrastructure, and water-related cultural, educational and community facilities. Para 9.16.1 of the supporting text goes on to say:

> *"… In order to make the maximum use of London's waterways a range of supporting infrastructure is required including jetties, moorings, slipways, steps and waterside paths (piers, wharves and boatyards are addressed in Policy SI 15 Water transport). Waterways infrastructure can directly enable water-based recreation and sports including rowing, canoeing and sailing.*

24. I consider that the unauthorised development reduces the ability of the pontoon to function as waterways infrastructure, in breach of this policy. This was also the view of the previous Inspector (e.g. paras 120, 122 of his decision letter)

25. Following the previous appeal, I am aware that the appellant intends once again to argue that the pontoon, if restricted solely to river users and river-related activities, would not be viable. At the last Inquiry, the appellant went so far as to threaten that such a restriction would lead to the removal of the pontoon altogether, with all river-related uses ceasing. Its case rests on the contention that the income derived from river users alone is insufficient to cover the fixed costs of maintaining the pontoon. However, we know that in the period from April 2015 to July 2021, when no restaurant use was in operation and the appellant was actively seeking permission to move the Jesus College Barge to Kingston (appeal decision at paras 56-66),

river-related activities not only continued but appeared to diversify, with businesses such as paddleboarding and skiff hire successfully operating from the pontoon. For six years, therefore, the appellant was content for the pontoon to operate without the support of a restaurant, yet it is now said this is financially impossible. The previous Inspector addressed this issue in paras 108-113 of his decision letter, noting many significant gaps in the appellant's evidence. To date, the appellant has not provided any more evidence and I cannot comment further.

26. The appellant has previously raised concerns about a lack of safe access to the river for users, should the pontoon be removed on grounds of viability. At the last inquiry, however, Mr Mark Edwards—who operates a boat repair and hire business and is a member of the Richmond Freewatermans Turnway Society—provided detailed evidence about the alternative arrangements available to river users in such circumstances. He referred to actual examples of these arrangements being implemented when the pontoon was temporarily removed for renovation, between July 2021 and January 2022. The previous inspector also addressed this point in para 115 of his decision, commenting specifically on the eventuality that the pontoon might be unavailable:

> *"However, if it were unavailable, as it was when taken away for repair and alteration between July 2021 and January 2022, river-related users would have alternative options in the form of slipways and steps."*

27. Notwithstanding the above, the Council's policy position is clear. Para 21.102 of Policy 40 stipulates that any re-development of existing river-related sites to non-river-related uses will not be permitted unless a full and proper marketing exercise has been undertaken. Such an exercise must be conducted at realistic prices for both river-dependent and river-related uses and must cover a minimum two-year period. It is unclear without a proper marketing exercise whether the figures provided by the appellant, as to the income derived from river uses, is even an accurate or fair market rate. In the absence of this evidence—which given the re-

determination of the appeal, the appellant has had sufficient time to commission—non-river-related uses should not be permitted.

28. As part of this appeal, the appellant has submitted a set of plan and elevational drawings intended to be considered as alternative to the retention of the development subject to enforcement. These drawings present seven options, each showing a graduated reduction in bulk and mass—for example, by removing or relocating seating and umbrellas. The final option, Option 7, depicts only a raised area of pontoon with below-deck facilities currently used as a kitchen, and no pontoon seating. Option 7 could potentially create additional floor space that might be suitable for river-related uses. However, the drawings do not indicate how this space would be utilised. In addition, Option 7 involves the removal of below-deck storage facilities, which are partly used for river-related storage, though predominantly serving as a cold store for the restaurant. While Option 7 may therefore represent an improvement in terms of making the pontoon space available again for river users, further detail would be necessary to clarify whether this is the intended outcome.

29. It is also relevant that the previous appeal established the abandonment of the pontoon's limited restaurant use, confirming its lawful use as solely for river-related activities. In this context, it would be appropriate for any planning permission arising from this appeal to include a condition requiring the pontoon—or at least the top deck sections—to be used exclusively for river-related purposes, as defined in Policy 40.

(5) The environmental effects including air, noise and light pollution, and odours and fumes

30. It is agreed that if the development enforced against (or a variation of it) is found to be acceptable, the environmental effects of the use could be adequately controlled by condition.

(6) If any matter alleged in the notice constitutes inappropriate development, 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

31. I deal with the MOL balance below.

The planning balances

32. As the development enforced against affects MOL and heritage assets, and is not in accordance with the development plan, planning policy requires a number of balancing exercises to be carried out:

> *(1) Whether the harm to the MOL by reason of inappropriateness, and any other harm resulting from the unauthorised development, is clearly outweighed by other considerations (para 153 of the NPPF, which is applied to MOL by Local Plan and London Plan policies).*
>
> *(2) Whether the less than substantial harm to the Conservation Area and the significance of Richmond Bridge (as a result of development within its setting) is outweighed by the public benefits of the development (para 215 of the NPPF).*
>
> *(3) Whether the conflict with the development plan is outweighed by other material considerations (s 38(6) of the Planning and Compulsory Purchase Act 2004).*

(1) The MOL balancing exercise

33. In his proof of evidence Mr Wolfe-Cowen considers that the development enforced against is inappropriate development for the purposes of MOL policy. I agree with his analysis and have set out my own above. It follows that the development is harmful in principle.

34. The Planning Practice Guidance on the Green Belt says, at para 1:

> *Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may*

need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

35. The physical alterations to the pontoon have made it a higher and bulkier structure. They have a clear visual impact. They are intended to be permanent, and they facilitate a much more intense use of the pontoon than would be the case if it was used solely for mooring and ancillary storage. Mr Wolf-Cowen in his proof has considered the various options put forward by the appellant and whilst he has found there to be varying degrees of harm and visually obtrusiveness, he has nonetheless found there to be harm arising from all of the options. I agree with Mr Wolfe Cowen that these changes result in harm to openness, which in my view is significant. Para 153 of the NPPF states that substantial weight should be given to any harm to the Green Belt. Here, there is harm in principle and harm to openness.

36. Against these harms must be weighed the benefits of the unauthorised development. Paras 4.35 and 4.36 of the appellant's Statement of Case say:

4.35 Evidence will be presented in relation to the public benefits of the proposals and very special circumstances (VSC) in regard to the use of the restaurant and associated economic benefits to facilitate local employment opportunities, promoting an active frontage and footfall to this part of the town centre and ultimately supporting the vitality and vibrancy of the town centre for local residents and visitor economy.

> *4.36 The income from the restaurant use allows the owner of the barge, pontoon and gangplank (the appellant) to provide and maintain the pontoon for continued use for river related activities by local charities who would otherwise have no other mooring facilities and access to use. This is a significant VSC and public benefit in its own right.*

37. The previous Inquiry heard evidence from the appellant's director, Mr Turk, and the restaurant operator, Ms Freeman, as to the public benefits referenced above. Ms Freeman confirmed that the restaurant employs 10-12 full time employees on a typical day, though it should be noted that the restaurant is likely to have a seasonal element and has been known to close for usually the first one to two months of the year. In any event, these employment benefits are considered modest and do not would outweigh the harm. Consideration should also be given to the effect on these benefits of the appellant's alternative proposals, which at option 7 for example, would retain a kitchen on the pontoon and the Jesus College Barge restaurant, but likely resulting in a lower level of employment.

38. In terms of promoting an 'active frontage' and footfall to this part of the town centre, such claims are simply not supported by planning policies. In policy terms the pontoon is not in the designated town centre (compare para 72 of the previous appeal decision where the Inspector dealt with the same argument in the context of the earlier, similar, main centre designation). Local Plan Policy 40 has set out what uses are appropriate on the river and they do not include restaurant use.

39. I would like to also refer to the previous Inspector's decision and consideration of the merits, which was not contested as part of the previous legal challenge, where he said:

> *105. While Ms Freeman affirmed that her business would not be viable without use of the pontoon, no financial data was presented to demonstrate that. In practical terms, it is unlikely that the JCB could operate as a restaurant in its current state, because the*

main kitchen and storage areas are on the pontoon. While reconfiguration to address that would be costly, and would reduce dining space, evidence that it could not be done, or that no restaurant could successfully trade that way, was not presented.

106. Mr Turk affirmed that relocating the kitchen onto the JCB would make the restaurant unviable because it would exclude seating from the entire lower deck. No illustration of this was presented, nor was it stated how many covers are required for viability. Neither was any information provided as to how that would differ from the way restaurants had been viable between 1993 and 2015 with a kitchen on the JCB. As it is, the current restaurant has a food preparation area accommodating a large pizza oven on the upper deck of the JCB. In the absence of more comprehensive evidence, I can only accept these viability arguments in terms of the current business model, not any restaurant on the JCB.

40. Naturally, the current Inspector will reach his own conclusions on the public benefits and is not bound in anyway by the assessment of these merits by the previous Inspector, but, nonetheless, they are a material consideration.

41. The appellant has alluded to there being a significant change in the public benefits since the last appeal, though we have had no sight of what those changes are. I can only comment on the information before me.

42. For these reasons I attach limited weight to the claimed employment opportunities and economic benefits arising from the development.

43. I have already addressed the argument that the income from the pontoon restaurant allows the owner to maintain the pontoon, without which the pontoon might be removed.

This was not an argument that the previous Inspector found compelling, and on the evidence disclosed so far I do not believe the merits have shifted in the appellant's favour.

44. Weighing the claimed benefits of the unauthorised development against the harms to the MOL, in my view the benefits do not outweigh the harms.

(2) The heritage balancing exercise

45. It is accepted by the appellant (at para 4.31 of its Statement of Case) that the unauthorised development causes less than substantial harm to the significance of the Richmond Riverside Conservation Area and the Grade I listed Richmond Bridge.

46. Ms Way in her evidence has considered each of the options presented by the appellant and the level of harm, if any, resulting from each option. She has provided detailed analysis of this in her proof but, in summary, found a level of harm can be attributed to each option. As such, I have referred above to the public benefits claimed by the appellant. In my view they do not outweigh the heritage harms (to which great weight must be given in accordance with para 212 of the NPPF) caused by the development.

(3) The overall planning balance

47. Having regard to Ms Way's and Mr Wolfe-Cowen's evidence and my own assessment, I consider the unauthorised development is contrary to development plan policies that seek to protect river-dependent and river-related uses, MOL, the character of the area and heritage assets, contrary to policies 28 (Local Character and Design Quality), 29 (Designated Heritage Assets), 31 (Views and Vistas), 35 (Green Belt, Metropolitan Open Land and Local Green Space), 40 (River and River Corridors) and 41 (Moorings and Floating Structures) of the Local Plan. The development is contrary to the development plan taken as a whole. I have taken account of the claimed benefits of the development but in my view they do not justify a departure from the development plan. Planning permission should therefore be refused.

Ground (f) – That the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections

48. The appellant has yet to indicate what it considers to be appropriate lesser measures that would remedy the breach of planning control and therefore there is nothing I can comment on this ground, other than to reiterate that the notice requires restoration of the pontoon to its condition before the breach of planning control took place, which is in accordance with section 173(4)(a) of the Town and Country Planning Act 1990.

49. It should be noted that the removal of the plastic covering which surrounded the pontoon is not an appropriate lesser step and is rather only partial compliance with the requirements of the notice.

Ground (g) – That the time given to comply with the notice is too short.

50. The appellant has suggested a two year compliance period to allow it to seek further planning permission from the Council. It is unclear how this would differ in any way from the opportunity it has under the Ground (a) appeal to seek permission for the matters alleged in the notice (and the various alternative options put forward).

51. A two year compliance period would allow the identified harm caused by the breach to continue unabated without any justifiable reason. This would fail to maintain the integrity of the planning system, which is the aim of planning enforcement. A six month compliance period is ample time to carry out the steps required by the notice and for the restaurant operator to restrict its activities to the barge or seek an alternative mooring.

52. For the above reasons I respectfully invite dismissal of the appeal. .

Town and Country Planning Act 1990, section 174

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Public Inquiry to be held between 13th – 15th January 2026

Summary Proof of Evidence of Aaron Dawkins for the Council of the London Borough of Richmond

Summary of Proof

1. I, Aaron Dawkins, have been employed as a Senior Planning Enforcement Officer for the London Borough of Richmond since September 2021. In total, I have eight years' experience in roles which have required me to investigate breaches of planning control for Local Planning Authorities.

Investigation

2. I began investigating the appeal site in July 2022 and have visited the site on several occasions thereafter. Based on my visits to the site and an examination of the planning history and historic photographic evidence, I formed the view that the physical alterations to the pontoon were operational development, which did not benefit from planning permission. Based also on my visits to the site, the planning history, the previous use/s of the pontoon and relevant facts, I concluded that there had been a material change of use of the pontoon when the restaurant use commenced in 2022, which did not benefit from planning permission.

3. In assessing these breaches of planning control I also concluded that there were clear contraventions of local and national planning policy, which meant it would be expedient to take formal enforcement action. For this reason, I prepared and instructed the service of the enforcement notice, which is the subject of this appeal.

The ground A appeal - that planning permission should be granted for what is alleged in the notice

4. The Council opposes the grant of planning permission for the development enforced against for the reasons set out in its statement of case. In my view, the use of the altered pontoon as a restaurant is contrary to development plan policies that seek to protect river-dependent and river-related uses.

5. Having regard to Ms Way's and Mr Wolfe-Cowen's evidence, I consider that the claimed benefits of the unauthorised development do not outweigh the harms to the MOL or the less than substantial harm to the Conservation Area or the significance of Richmond Bridge.

6. Overall, the unauthorised development is contrary to the development plan and there are no material considerations that justify a departure from the development plan. Permission should therefore be refused.

The ground F appeal – that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections

7. The steps required by the enforcement notice are the minimum necessary to remedy the breach of planning control.

The ground G appeal – that the time given to comply with the notice is too short

8. A compliance period of 6 months is adequate. Given the Ground A appeal, there is no need for the appellant to be given time to make a further planning application.

9. Respectfully, the appeal should be dismissed.