

**Pontoon at Richmond Riverside,
Richmond upon Thames
PINS Ref: APP/L5810/C/23/3333609**

Summary Proof of Evidence of Philip Villars

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December 2025



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1. Background of Expert Witness

- 1.1. My name is Philip Villars and I am a Director at PMV Planning. I have a BA (Hons) in Town and Country Planning and am a member of the RTPI (MRTPI accredited).
- 1.2. I was previously Managing Director at Indigo Planning, which I joined in 1989, prior to which I worked in local government for three years as a planning officer at Bromley Borough Council and at The Royal Borough of Kensington and Chelsea.
- 1.3. I am aware that my professional duty, in accordance with the guidelines and standards of the Royal Town Planning Institute, is the Inquiry, irrespective of by whom I am instructed. I confirm that the evidence I have prepared and provided for this appeal has been done with due diligence and is truthful, representing my honestly held professional view. I confirm that the opinions expressed are my true and professional opinions.

2. Introduction

- 2.1. This Proof of Evidence is submitted in respect of an enforcement appeal (“the appeal”) made by the appellant against the enforcement notice issued by the London Borough of Richmond upon Thames (“the Council”) (LPA Ref: 22/0346/EN/EOP) relating to “*pontoon and land adjacent to Richmond Pier, Riverside*” (“the site”).
- 2.2. The appeal was lodged on 21 November 2023, and an Enforcement Inquiry was held between 9 to 11 April 2024.
- 2.3. The conclusions of the previous Inspector were to dismiss the appeal. A decision was issued on the 20 May 2024. A copy of this decision is provided within **Appendix 2** to my Proof of Evidence.
- 2.4. The application for permission to appeal pursuant to S289 of the Town and Country Planning Act 1990 was made on 24 June 2024.
- 2.5. The case was heard by High Court Judge Elizabeth Cook and allowed to proceed on 10 September 2024.
- 2.6. However, before the case was heard, the Secretary of State agreed to consent to judgement.
- 2.7. The High Court confirmed that the original Notice should be quashed and remitted for redetermination. The court order set out that redetermination is limited to the appellant’s appeal under grounds a) and f) of Section 174 (2) and in respect of the matters identified in paragraphs 4,5 and 6 of the statement of reasons annexed to the order namely 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.
- 2.8. The Grounds for redetermination are limited to grounds (a), (f) and (g) as agreed at the Case Management Conference on 13 October 2025.
- 2.9. A copy of this High Court decision is provided in **Appendix 3** to my Proof.

Engagement with Richmond Borough Council

- 2.10. In the intervening period, the appellant did try to engage the local authority in pre-application discussions on alternative forms of development. However, the LPA did not engage in any submissions
- 2.11. The Planning Inspectorate re-engaged with both parties in July 2025, with a start letter for the appeal issued on 28 August 2025.

Proof of Evidence

- 2.12. My proof will cover the planning history of the site; the planning policy issues associated with the reasons for the issue of the enforcement notice; the impact of the development, and my view on why the appeal should be allowed. I address grounds (a), (f) and (g) only.

3. Site and Surroundings

- 3.1. A description of the site and surroundings, planning history and relevant planning policy is set out in the agreed Statement of Common Ground (SoCG) and in my main Proof of Evidence.

4. Planning Policy Context

- 4.1. In my Proof of Evidence, I provide an overview of the key planning policies relevant to the appeal.
- 4.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3. Since the original Inquiry in April 2024, the Local Authority has now adopted its Local Plan, which means the policies listed in the enforcement notice are now superseded.
- 4.4. A full list of the agreed relevant Local Plan policies are set out in detail in the SoCG.

National Planning Policy Framework (NPPF)

- 4.5. The National Planning Policy Framework (NPPF) was updated in December 2024 and the revised policies are therefore a material consideration and I consider these in my Proof of Evidence.

5. Grounds of Appeal

- 5.1. Given the re-determination of this appeal, the grounds of appeal are limited to Grounds (a), (f) and (g).
- 5.2. I will make an assessment of the development as a deemed planning application (DPA) under Ground a.
- 5.3. Second, under Ground f, I assess the alternative options for a lesser scheme to be considered acceptable in this location.
- 5.4. Finally, I review the Ground g appeal and the proposed timescales to comply with the enforcement notice if it is upheld.

Ground a: planning permission should be granted

- 5.5. In order to aid assessment of the alterations to the pontoon, a measured survey was undertaken.
- 5.6. This enabled the production of scaled drawings for the appearance of the pontoon at the time of the enforcement notice. This plan is provided in **CDG1** (Plan Ref TUK03-MAA-XX-XX-A-1002)
- 5.7. Amendments have since been made to the appearance of the pontoon, removing the plastic enclosure leaving only umbrellas as 'fixed covers' referenced in the enforcement notice. The applicant has also reduced the number of umbrellas from six to three, which are only erected at the downstream end of the pontoon. The umbrellas have also been reduced in height and colour has been revised from blue to oyster white.
- 5.8. The removal of the plastic enclosure and the upstream umbrellas alleviate concerns that had been raised on the safety of river users and rescue craft by Mr Mark Edwards.
- 5.9. This revised scheme set out at **CDG2** (Plan Ref: TUK03-MAA-XX-XX-A-1003), reflects the deemed planning application (DPA). For clarity, this includes tables and chairs at both ends of the pontoon, three umbrellas at the downstream end of reduced height and of oyster white colour.

- 5.10. I consider that planning permission should be granted under Ground a. this is supported by the evidence of Mr Collins and Ms Simes regarding the effect of the development on the heritage assets and openness and character of the area and my assessment of the development and conclusion that the proposal is in accordance with the Development Plan and the NPPF and there are no other material considerations to indicate that a decision should be made to the contrary. This would be subject to conditions as discussed and agreed with the Council.
- 5.11. I support the view of Mr Collins and Ms Simes that without the plastic canopy enclosure and a reduction in the number of umbrellas (and reduced height and sympathetic neutral colour scheme) there is very limited effect if any on the setting of the heritage assets and the MOL. This is on the basis that the umbrellas are demountable. They are of the view that there is also no or very limited harm from the restaurant use by itself, with associated tables, chairs and safety rail on the pontoon. I set out my view on the spatial aspects and impact of the development on the MOL and consider this alongside Ms Simes' evidence on the impact to reach my conclusion that the development preserves the openness of the MOL and is not inappropriate development.
- 5.12. In the alternative, if there is found to be less than substantial harm to the setting of the heritage assets, my view is that there are significant public benefits arising from the mixed use of the site for boating activity and the restaurant use at this town centre, riverside location such as to outweigh any less than substantial harm to the setting of the heritage assets.
- 5.13. Similarly, if the development is considered to harm rather than preserve the openness such that the development is inappropriate, or conflicts with any of the five MOL purposes, there are very special circumstances (VSC) to overcome any limited harm to openness of the MOL. I explain below how I come to this conclusion and that, as such, the development is in accordance with the Development Plan and the NPPF. I am also of the view that the site and the development benefits from the definition of Grey Belt in the 2024 NPPF. I conclude overall that the appeal should be allowed, and planning permission granted.

Town centre and riverside location

- 5.14. The riverside where the pontoon and Barge is moored is within the defined town centre in the Richmond Local Plan. The use as a restaurant and other river related

activities, is supported by planning policy given this town centre, riverside location, a location where such uses are encouraged to enhance the vitality and viability of the centre and the use of the river. The Peggy Jean can only be accessed through the town centre. As I note at paragraph 5.14, the NPPF states that planning policies and decisions should “*support the role that town centres play at the heart of local communities, by taking a positive approach to their growth*”.

- 5.15. This was recognised in the committee report in respect of the 92/0659/FUL planning permission for: “*mooring of Jesus College Barge against RJ Turk pontoon for use as a restaurant below and above deck*”, which states in the second paragraph at page 32 that “*this site is within Richmond Town Centre Area*”, which differs from other previous proposed locations for floating restaurants which were “outside commercial locations” such as this. The Officer’s report notes that the Plan (Policy 34) encourages recreational use of the river and that the proposed restaurant would “*most certainly add to the riverside environment and activity in this particular location*”.
- 5.16. Since the 1992 planning permission, town centres generally have been impacted by the continued growth of out of centre retail and leisure destinations; online retailing and entertainment; Covid; and the cost of living crisis. Richmond, as with all other town centres, has been affected and attracting investment and businesses, such as restaurants and visitors/customers, has been a challenge.
- 5.17. The findings of the LBRuT Retail and Leisure Needs Study (2021,2023 and most recent addendum in April 2024), demonstrate that there is an undersupply of food and beverage floorspace in LBRuT in 2039 (see Core Document **CDC6**).
- 5.18. This successful hospitality business, part of Daisy Green Food Limited, is a positive and unique addition to the Richmond Town Centre offer as a more vibrant riverside serves to encourage visitors and customers through the town centre from the train and bus station and car parks. I am aware of the evidence from Pru Freeman, Director of Daisy Green Foods, setting out the significant economic benefits the restaurant brings to the town centre and local economy. This is particularly important having regard to planning policy at all levels supporting town centres and also the visitor economy, underpinned by Policy E10 Visitor Economy in the London Plan which refers to:

“enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure, particularly to parts of outer London well-connected by public transport, taking into account the needs of business as well as leisure visitors.”

- 5.19. London Plan Policy SD6 recognises that London's town centres should be enhanced by strong, resilient, accessible and inclusive hubs to include main town centre uses and night time economy. Indeed, Part b of this policy recognises the need for town centres to adapt and diversify to remain relevant.
- 5.20. The Local Plan Strategic Vision 'The Best for our Borough" sets out "*Richmond town centre has capitalised on its strength ... enhanced by the town centre's riverside setting and unique attraction to visitors*".
- 5.21. Policy 17 seeks for the provision of High Quality environments to promote local distinctiveness. The role of the Peggy Jean and the pontoon are clear attractive advertisements for both local people and visitors into Richmond. There is a wealth of online material, to which the pontoon is front and centre of Richmond's marketing campaign and appeal. Policy 18 sets out that the Council will support restaurant development within the major centre of Richmond.
- 5.22. The Council carried out an assessment of its town centres in 2023 (Volume 1 – Assessment of Town Centres, May 2023) as part of its evidence base for the Publication Local Plan (Reg 19 Plan).
- 5.23. Section 6.1 of the assessment (2023) deals with Richmond Town Centre (defined on the plans on page 18 and page 20). It notes the significant cultural and leisure offer and that the town centre is famous for its position on the River Thames. It notes that it "*hosts an array of cafes, restaurants, bars, pubs and cultural activities*". It states that Richmond Town Centre has "*strong commercial growth potential*" and the area's night-time economy is classified as being of regional or sub-regional significance. It refers to policy which supports "*promoting the night-time economy through diversifying the range of cultural venues and offers; encouraging on-street alfresco dining and making a welcoming environment for the night-time economy users and workers*".

- 5.24. Page 200 of the 2023 Assessment notes a Council Urban Design Study 2023, in which one of the valued sectors of the town centre is the “*riverside and open spaces valued for ... the high scenic quality and a place to gather and socialise*”. (**CDC2**)
- 5.25. In addition, Richmond Council has commissioned a Vision document for the Town Centre, which includes a section on the river and riverside. I consider that this includes the river setting as an important element into the place-shaping of the town centre. Indeed, one of the key focus areas raised for the town centre was “*River and Riverside, expand riverside activation with varied and engaging uses*”. (see page 2 of **CDG12**).
- 5.26. The Richmond Time to Shine: Night Time Strategy also promotes the growth of the night time economy and diverse community activities at night. The role of the Peggy Jean and pontoon provides such a diversity of riverside uses.

Metropolitan Open Land (MOL)

- 5.27. The appeal site is located within the MOL designation in the revised Richmond Plan.
- 5.28. London Plan policy G3 Metropolitan Open Land affords the site the same level of protection as Green Belt. The NPPF paragraph 152 states “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”.
- 5.29. NPPF paragraph 154 (b), (c) (d) and (g) sets out that exceptions within the Green Belt/MOL would be the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation (or indeed other uses) or extended/ altered buildings, as long as it preserves the openness of the Green Belt and does not conflict with the five purposes (see paragraph 5.10 above) of including land in it. The use of the pontoon as an open recreational use, and part of a restaurant providing outdoor seating, is appropriate and the pontoon, as extended, is not disproportionate to the size of the original pontoon.
- 5.30. In respect of NPPF paragraph 154 (d), the partial re-use of the pontoon for additional restaurant use does not impact on the openness of the MOL and is therefore appropriate development. Similarly, in respect of 154 (g), the mixed use of the pontoon does not impact on the openness of the MOL. The evidence of Ms Simes on visual impact on the MOL and mine on the spatial impact come to this conclusion and the development is therefore compliant with the approach set out in the NPPF ie

it is appropriate development in the MOL and VSC are not required to be demonstrated. I do, however, set out compelling VSC if they are required.

- 5.31. The Local Plan does not reflect policy in the NPPF regarding the introduction of Grey Belt. Paragraph 155 of the NPPF is relevant and it is my view that the proposal is in accordance with this paragraph and the criteria a-d. It is for commercial development on PDL and does not '*fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*'; there is demonstrable unmet need for the mix of uses proposed ie boating related uses and the restaurant; and is in a sustainable town centre location. Criteria d) does not apply as it is not for residential development.
- 5.32. Richmond Local Plan Policy LP35 also sets out this approach to MOL. The site is also identified as a River Corridor (LP 40). This promotes riverside development within the Thames Policy Area which supports the use of the river, maximises the setting and incorporates uses that enable local communities and the public to enjoy the riverside. The mixed use proposal is very much consistent with this.
- 5.33. The appeal site context is urban in nature and character, an identified major town centre. The use is consistent with Policy LP25 as Richmond Town Centre is an appropriate location for restaurant use (or an extension to an existing use).
- 5.34. The riverbank rises up to meet the commercial building facades; all set within the town centre. Ms Simes' evidence assesses the visual impact of the appeal proposal (both its use and associated physical activity) on openness. I consider below the impact on openness of the MOL from a spatial perspective. Based on this evidence, due to the lack of impact on the openness, or any conflict with the five MOL purposes, the proposal is appropriate development and in accordance with London Plan Policy G3; Local Plan Policy LP35 on MOL; LP 34 on Green and Blue Infrastructure (Strategic Policy). PBS6 in the Local Plan is also relevant given the aspirations for the town centre and wider setting.
- 5.35. The evidence of Ms Simes demonstrates that:
 - the structural alterations to the pontoon, in terms of scale, mass and bulk, and its use does not harm the visual sense of openness of this part of the MOL; and
 - there will be no physical change to the network of blue and green infrastructure.

5.36. Green Belt and MOL are spatial planning designations, where the likely visual dimension and perception of openness is a key consideration and its impact assessed and Ms Simes has carried out a thorough analysis of this. The volumetric studies prepared to support this case (**CDG10**), demonstrate that the changes to the perception of openness are almost negligible through the DPA. I consider the spatial aspect and together whether the openness of the MOL in this case is preserved.

Spatial impact

5.37. Spatial qualities of openness can be defined as the volume of free space in and around the development when experienced from outside, for instance is it enclosed, visibility through it, spaciousness, appearance and character. These will work in tandem or in combination with the visual aspects considered by Ms Simes and together will be the basis for my conclusion on the effect of the development on openness of the MOL.

5.38. It is significant in my assessment of the spatial aspects of the development, that the canopy with side panels, which enclosed a large section of the pontoon were removed in 2023 following the issuing of the enforcement notice. The canopy surround did create the perception of volume and bulk on the pontoon and in my view its removal addresses the spatial and visual impact. What remains is an open use of the refurbished pontoon for both outdoor, alfresco dining, access and boating activity by the various clubs using the pontoon. The kitchen is enclosed within the pontoon, the height of which is less than that prior to refurbishment when storage unit were on the downstream ie the green shed was 2.6m in height and currently the height is 1.37m (shown within the MAA volumetric study **CDG10**).

5.39. It is an open use of the river which nobody would find unusual or alien in this location on Richmond Riverside, a major town centre. I refer to the evidence of Mr Collins who refers, *inter alia*, to the Richmond Riverside Conservation Area Appraisal produced by the Council which describes this part of the riverside. It describes the location having an "urban landscape" and that the Thames itself here is a "*major contributor to activity*" and which "*adds to an active daytime and night-time economy, housing a number of businesses including many bars and restaurants. It's [ie the river's] association with leisure remains strong*". The Conservation Area Appraisal, as referred by Mr Collins, also notes the "*formal stepped riverside terrace in front of the development*" which "*emphasises the river as an open space for popular*

enjoyment".

- 5.40. It is also worth referring to the 1992 Officer's report in respect of the approved restaurant use and how this use on the river was viewed as a positive development in this location.
- 5.41. It is my view that the pontoon being used for both eating and drinking and by boat users is entirely consistent with this location. It is open to the elements and the presence of a limited number of umbrellas is not unusual in this context and maintains openness whether they are up or folded down as they are "porous" and maintain openness through and around them. They are temporary and reversible and if necessary, their exact numbers, size and appearance can be conditioned. Similarly with the tables and chairs.
- 5.42. Planning permission was granted for the pontoon to be moored at the site in 1985 and its recent refurbishment and alterations after more than 50 years in the water did not in my view result in a disproportionate or harmful change to its appearance. The reduction in umbrellas and removal of the plastic enclosure result in an appearance which is sympathetic to this location.
- 5.43. In conclusion, from a spatial perspective, I consider the mixed use of the pontoon for restaurant and boat related activity, including storage for both and a kitchen at the downstream end with associated reversible fixtures and tables/chairs, not to cause harm. When considering this together with the visual component assessed by Ms Simes, it is my view that the openness of the MOL is preserved and does not have a materially greater impact on the MOL than the pontoon prior to its alteration.
- 5.44. I also do not see any conflict with the five purposes of including land within the MOL, as set out above, for the following reasons:
 - The development does not increase the "*unrestricted urban sprawl of large built-up areas*". The mooring of a pontoon of the same length and width in this position is agreed with the Council and its use for leisure related activity is agreed.
 - The development does not result in neighbouring towns merging in any way.
 - The development does not encroach on the countryside.

- The setting and special character of the historic town is preserved.
- There is no issue of preventing urban regeneration. Indeed, the use of the pontoon supports the positive use of Richmond Riverside and the town centre.

5.45. As such, I consider the proposal to represent appropriate development in the mol.

Local character

5.46. The evidence of Ms Simes sets out her view on the effect of the development on the local character.

5.47. The pontoon with the canopy surround removed, does not appear as an “incongruous structure” in this location. The proposed uses and activities at the pontoon are suitable and compatible with each other and surrounding land uses. Each of the uses are economically symbiotic, whilst upholding appropriate river related and town centre uses. This supports the principles within Policy LP1.

5.48. It is also important to note the important role of the restaurant use in supporting the river dependent uses from the pontoon. Indeed, were it not for the appellant and restaurant use the continuation of such use by these groups would be at serious risk as set out in the evidence of Mr Turk. Based on this evidence, it is my opinion that the proposals are in accordance with London Plan Policy LP18 and Local Plan Policies 40 on Rivers/River Corridors, LP19 and Local Plan Policy 41 on Moorings and Floating Structures.

Heritage

5.49. The evidence of Mr Collins sets out that the mixed use of the pontoon does not harm the setting of the heritage assets of the Grade I listed Richmond Bridge and the wider Conservation Area setting in line with the NPPF and LP29 and LP31. The only aspect which he finds harmful, but at the very lower end of less than substantial is the umbrellas when they are up. The type ie demountable, colour and location of umbrellas can be conditioned, if necessary, to ensure that no harm is caused.

5.50. He notes that the floating restaurant was judged by Council officers, at the time permission was granted, would make a positive contribution to the character and appearance of the conservation area and would not detract from the setting of nearby listed buildings including Richmond Bridge. This in his view is still the case.

- 5.51. I consider that the fact that the restaurant use not only co-exists with but supports the historical boating activity on this part of the river as set out in the evidence of Mr Turk, is a significant public benefit if it is considered that there is any less than substantial harm.
- 5.52. The evidence from Ms Freeman and Mr Turk on the wider public benefits is compelling. The income from the Peggy Jean restaurant provides the seven boat clubs using the pontoon with safe access to the water with all upkeep costs, eg electricity, water, cleaning provided by Peggy Jean.
- 5.53. Other significant benefits which greatly outweigh any perceived less than substantial harm to the significance of the heritage assets include the direct provision of employment from the restaurant which, as set out in the evidence of Ms Freeman, includes at peak times approximately 30 full time employment positions, with approximately 80% filled from within the Borough. Peggy Jean is a significant contributor to the local economy and the government, with sums in excess of £1million per annum (taxes, wages and local suppliers) as well as using local florists, dry cleaners, butchers and wine merchants and other businesses.
- 5.54. Finally, the restaurant, recently awarded the World's Top Brunch Spot by Trip Advisor, is a draw to customers to visit Richmond town centre and whether travelling by train, bus or car, they will experience the rest of the town centre as they invariably walk to the riverside along the high street.
- 5.55. The significant public benefits to the local economy from the presence of the restaurant are set out by Ms Freeman in her evidence.

Environmental impacts and amenity

- 5.56. The Council accepts that issues of light and noise can be controlled by condition, in accordance with Local Plan Policy 53 Local Environmental Impacts, Pollution and Land Contamination.
- 5.57. Given the town centre location and distance from any residential receptors, the proposed development will not lead to any harmful amenity or environmental impacts to the development site or surrounding area in line with LP10. The restaurant use in this location is accepted by the Council and has not identified any harm associated with it in terms of noise, pollution or other emissions.

Third party representations

5.58. Representations supporting/no objection to the restaurant use (and the associated boating use) have been received in respect of the appeal from the numerous parties who are both residents in the borough and potential visitors out of the Borough and wider UK. This is set out in the evidence of Ms Freeman.

Public safety

5.59. The railings referred to in the notice are required under Health and Safety operational requirements and do not harm the significance of the heritage assets or the MOL.

5.60. The need for railings is explored in detail in the submissions of Ms Freeman.

5.61. The LPA disingenuously suggested that there were other available, safe river access for the current charities and boat users to utilise. However, there is no evidence of this.

5.62. If the pontoon can no longer be retained, then these river users will be forced to go elsewhere, contravening any aspiration of the LPA to create 'living locally concept' to reduce urban carbon emissions. River users will be forced out of the Borough, leading to unnecessary cost and environment losses.

5.63. In conclusion, having regard to the evidence of Ms Simes, Mr Collins and Mr Turk, my evidence is that the development is in accordance with the NPPF, London Plan and the Richmond Local Plan. There are no material considerations to indicate other than the appeal being allowed on Ground a, subject to conditions.

Ground f: that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

Alternative options

5.64. Alternative options have been provided to the Inquiry. This provides six alternatives, should the ground (a) fail. Ground a is based on the existing situation on site and which is significantly reduced from that which was in place at the time the

enforcement notice was served. Each option has a variation of elements including umbrellas, tables and chairs, railings, and lowering bulk at the upstream end.

Existing

- 5.65. The evidence of Ms Simes concludes that the existing reduced arrangement has minor adverse effect on the character of the Richmond riverside; night time character visual dimension of openness; and effect on a range of visual receptors. My evidence on the spatial aspects of openness with regard to the Ground a application establishes that the application is acceptable in terms of openness. Mr Collins concludes that only the presence of the umbrellas causes a low level of less than substantial harm to any heritage assets and the other elements the subject of the appeal result in no harm. The umbrellas can be conditioned to be demountable, and of a colour and size to address this low level of harm. If harm does occur, it is outweighed by significant public benefit.
- 5.66. As such, the seven options have even less effect on both the character of the riverside, openness of the MOL and setting of the heritage assets. Even if there is a low level of harm arising from the existing situation at the site it is greatly outweighed by the public benefits and VSC arising and which I have set out. The alternative options set out in my evidence and that of Mr Collins and Ms Simes are only relevant if the Inspector considers this not to be the case whereby the harm is reduced even further.
- 5.67. In conclusion, the continued use of part of the pontoon for restaurant use is necessary if the Jesus College Barge is to continue in operation, with all of the associated benefits in terms of employment and supporting the vitality and viability of the town centre. More directly and significantly, the continued use of the pontoon for boat related activities would likely cease (see evidence of Mr Turk). They cannot viably continue without funding generated by the restaurant. Indeed, as the number of covers and umbrellas reduces, and the height of the upstream pontoon reduces, the public benefits decrease in terms of positive multiplier effect on the local economy and direct jobs and wider economy, as well as boat users who will lose a covered storage space on options 2-7.
- 5.68. As such, the use of the pontoon for a kitchen, storage, access and a number of tables and chairs should be allowed as it is not necessary for them to be removed in their entirety in order to address impact of the breach. The number and position of

tables and chairs considered acceptable to the Inspector, as well as lighting, can be subject to condition.

Ground g: that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

- 5.69. Should the appeal fail on all grounds, the enforcement notice requires the unauthorised use of the pontoon to cease, and remedial works to be carried out within six months of the notice taking affect.
- 5.70. For the reasons set out in my main Proof, the timeframe is not reasonable. As such, the use of the pontoon should be allowed to continue until alternative arrangements have been put in place and boatyard located to carry out any works if required.

6. Conclusion

- 6.1. In conclusion, I consider that the appeal should be allowed based on the grounds presented.
- 6.2. The evidence under Ground a confirms that the mixed use of the pontoon, as part of a larger planning unit which comprises the barge, pontoon and gangway, is appropriate in this location and by itself should be granted planning permission as there is no harm to the significance of the identified heritage assets or the openness of the MOL. With appropriate conditions, there will be no wider harmful impact in what is a riverside, town centre location. The retention of the part restaurant use of the pontoon will ensure that the historical Jesus College Barge can continue to operate and together support, from both a financial and physical perspective, the continued use of the pontoon by local boating clubs.
- 6.3. Such a scenario will be positive for the River Thames, local residents and visitors to the riverside in Richmond Town Centre. This will support the vitality and viability of the town centre and the employment associated with the use at a time when all centres and businesses are struggling.
- 6.4. The evidence of Ms Freeman and Mr Turk sets out very clearly the significant public benefits arising from the restaurant use on part of the pontoon.
- 6.5. For the above reasons, the appeal under Ground a is in accordance with the Development Plan and NPPF and, subject to conditions, should be allowed.
- 6.6. In respect of Ground f, if the appeal was to fail under Ground a, alternative lesser options have been set out. Those set out will ensure that the positive effects of the restaurant use will continue, not least in the terms of the continuation of boating uses from the pontoon, although they will be diminished from the DPA scheme.
- 6.7. With regard to Ground g, the terms suggested by the Council for the discontinuation of the restaurant use in this location are not sufficient to allow the boating uses and restaurant to find alternative premises and for the works to be carried out to the pontoon.

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