

Appeal Statement

Appeal Ref:- APP/W0340/A/08/2064920/NWF — on behalf of The Consuta Trust

The steam launch Consuta was restored in 2001 and is now displayed on the river as a working Victorian umpire launch.

A brief resume of the purpose for our application

Provide a home base for Consuta which:- gives all weather protection throughout the year; provides a location not subject to strong currents when river is in flood; alleviates risk of damage by not requiring Consuta to be craned out each winter; facilitates the annual maintenance tasks; allows visitor access when not on active display or at a show. This base would supplement our present private summer mooring arrangements near Henley. Consuta has been restored to working condition by substantial donations from the HLF, charitable bodies, and many private individuals using Gift Aid. Without the provision of a secure all year base, this investment of public and tax payer funds will be jeopardised, even wasted.

Why choose Beale Park.

Beale Park is a major recreational/leisure centre near Pangbourne with a lake connecting to the Thames that can provide safe off river mooring; the lake is already used for boating and other water related activities; this base would permit visitors to see Consuta when not in use; the location is close to the Saunders Springfield works at Goring where Consuta was built in 1898; our proposal would be in keeping with the ambience of this leisure site. The Park Trustees see us as an additional visitor attraction. The planning permission for the cut in 2000 was granted to enhance leisure facilities on the site.

Why were planning conditions placed on use of the cut.

We have been informed by West Berkshire Council (WBC) that the only objection they received to application 00/01195 in 2000, was from Basildon Parish Council. This objection comments:- *"it is an uncluttered part of the Thames; there would be pressure from future proposals to intensify boating use; would cause interference to the footpath"*. So permission was granted with conditions intended to prevent intensification of use.

There seem to be three main reasons given for rejection by WBC:-

- 1: An assumption that we have applied for unmonitored use of the cut.
- 2: An assumption that our application would greatly intensify use of the cut and the lake.
- 3: Our mooring request would intensify the use of the site and introduce a permanent structure that would be visibly intrusive in the landscape

Rejection Reason 1: The non monitoring issue of condition 5.

We did not apply for unmonitored use of the cut, we requested a change to the present requirement for 14 days prior notice of use, because it is not workable when using Consuta. Mr Pearson's letter 7th January ([doc A16](#)), seems to indicate that the planning department have completely misunderstood the purpose of our application on this point.

The existing Condition 5 for use of the cut does not even meet government guidelines for setting conditions. For example why is it necessary to give 14 days advance notice?

The comments made by the case officer in emails ([doc A17](#)), and Rights of Way Officer [doc 9](#) also imply that this clause is not workable.

Rejection Reason 2 Excessive use of the lake and cut.

Consuta has used Beale Park lake for temporary mooring each year since 2002, and from checking our boat log, usage by Consuta has been very low. For example in 2006 there were

two one way transits specifically only for Consuta, and in 2007 there were six one way transits; this increase was due to flood conditions requiring Consuta to take refuge off the river in July. WBC Rights of Way Officer states that there have never been any complaints about use of the cut from the public.

This low usage by Consuta is unlikely to change even with the boathouse moored here, because we will still need to retain summer moorings further down river where most of our steaming activity is based (the Henley Reach).

Consuta's use of the cut is on a minor scale when compared to usage during a boating regatta. Consuta takes about 15 minutes to make the transit, whereas during a regatta, the bridge and cut will be in use by many boats for several hours throughout a whole day.

As already mentioned the only objector to the original application 00/01195 concerning intensification of use was from the Parish Council, and they have now supported the planning application for Consuta ([doc 3](#)).

Rejection Reason 2 Condition 7 To prevent intensification of use of the site and to safeguard the character of the area.

We are presenting two arguments:- one is that planning control does not apply to our proposal to moor on the lake; the second is that even if it did, WBC have not evaluated the proposal correctly in terms of the general principles of planning control, and the present use of the site.

1st Argument. Condition 7, states that no mooring of boats shall take place on the lake other than during events. However planning control has no jurisdiction regarding boats. The simple mooring arrangements we require for Consuta and the floating boat house are not subject to planning control, therefore Condition 7 does not apply and our application for this change, was unnecessary.

Please refer to an email exchange with the WBC Case Officer during July 2007, where two examples of case law on this were requested by the WBC:- ([doc A17](#)).

These case law examples were accepted by WBC, so we applied as directed by WBC; however we now consider this advice from WBC to apply for a variation of Condition 7 was incorrect because our proposal does not involve any land development which would be subject to planning control. Therefore Planning Policies PPG7, BSP EN1 and WBDLP ENV1 given by WBC for rejection of long term mooring of Consuta and the floating boathouse have no legal standing.

WBC appeal notice issued to ourselves and third parties states our application is to vary Condition 5 (use of the cut); but makes no mention at all of our application to vary Condition 7; this would seem to concur with the above conclusion.

2nd Argument The Historical Importance of Consuta

Planning law does not cover boats, therefore planning policies provide no protection or guidance for issues involving listed historic boats. However if WBC seek to extend planning policies to control boat use then they must be consistent, so in this case should take account of general guidance given in Government PPG15 and Berkshire Structure Plan EN4 about heritage issues. WBC quote policy BSP EN1 as a reason for rejection but are ignoring the context introduction of EN1 which states the following are important issues:- "*That the area has a rich historical heritage protecting the area's heritage adds to the quality of life for residents and visitors*" These are the very features that our planning proposal was intended to promote. Our proposal is also consistent with the objects of WBDLP ENV1.

Consuta is listed of national historical importance, and has the marine status equivalent of a listed building. We draw your attention to the letter from the Director of National Historic Ships, an advisory committee part of the DCMS ([doc 7](#)). WBC, if they are seeking to

apply planning policies to boats, should have consulted this Government Advisory Committee, who have been established to provide authoritative advice on marine heritage issues. It is also wrong for WBC to dismiss Mr. Heighton's letter as not addressing the planning issues, see Mr. Ashworth's letter 14th January [\(doc A18\)](#). WBC have a duty to manage land development for public benefit, and by ignoring the heritage value of our application is a derogation of these responsibilities.

The reality; what impact would this proposal have on the site and the character of the area?

The design of the floating boathouse, in the style of a classic Oxford College Barge, has been chosen with some care and is intended to enhance the area and to be a visitor attraction in its own right; many supporting letters make this point. An original college barge can be seen at the Swan in Streatley. [\(doc 13\)](#). Some of the original 19th century College barges were built locally at Pangbourne and would have been part of the historic river scene here.

The question arises what is the character of the area? Beale Park lake is in an attractive setting, but it is part of a recreational park with over 120,000 visitors each year. Running along the West side of the lake there is a very large car/coach park, and the fields surrounding the lake are used for a variety of leisure activities each year. WBC granted permission for the cut to enhance leisure activities on this site. Additionally there are extensive casual summer boat moorings on the river bank towpath, which is adjacent to the entrance of the cut into the river. This lake is not part of an area of undeveloped natural countryside, but was formed after gravel extraction.

The impact of our proposal on boat use of the cut will be minor, the impact of our mooring on the lake with an ornate boathouse will be positive, providing an attractive lake feature for visiting members of the public.

Consultee and third party response to the application

There were no objections.

Two of WBC's own consultees have supported the application

We have included additional evidence of the national importance of Consuta with an extract from a Guinness book of records [\(A19\)](#), and a copy of our own publicity leaflet [\(A20\)](#)

We have provided a list of names of those who have written support letters [\(A21\)](#)

Summary

Our application is probably unique, involving a listed Historic Boat which is maintained and displayed for public benefit. Consuta is not only an important piece of local history, but is part of Britain's national heritage. Consuta also makes a contribution to tourism and public leisure enjoyment by the display and exhibition of Consuta at Thames regattas and river events each year.

WBC are not only ignoring the heritage value of Consuta, but also their responsibilities to support public leisure activities in Berkshire. They are ignoring all opinion from interested third parties and even from their own consultees. It is not clear what public purpose is being served by this planning refusal.

Beale Park is the only site which can provide the facilities necessary to keep this launch operational and specifically allow the option of public access when not in use. Our application needed special and sensitive consideration, certainly deserving better than a slavish and an extreme interpretation of planning policies.

We are appealing this decision in the interests of the general public.

BWS 12th March 2008