

Isle of Wight Council

The Town and Country Planning Act 1990
The Town and Country Planning General Regulations 1992

Certificate of Existing Lawful Use or Development

Application reference number: P/00328/16

Parish: Bembridge

Applicant:

Bembridge Harbour Improvements Company
Limited
Harbour Office
The Duver
St Helens
Isle of Wight
PO33 1YB

Agent:

Mr R Shrimplin
C W & R C Shrimplin, Architects & Town Planner
11 Cardiff Road
Luton
LU1 1PP

The Isle of Wight Council hereby certify that on 07/03/2016 ("the specified date") the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate ("the land"), was lawful within the meaning of Section 191 of the Town & Country Planning Act 1990 (as amended) for the reasons contained in the Third Schedule:



Date: 08/11/2018

.....
**Authorised on behalf of
Isle of Wight Council
Council Offices
Fairlee Road
Newport
Isle of Wight
PO30 2QS**

First Schedule:

The use of those parts of the land within the areas numbered 1-25 on the plan numbered 14:1977:11D attached to this certificate for the mooring and or stationing of 25 traditional and non-traditional houseboats for permanent residential use together with the use of the remaining land for harbour use as detailed in the submitted plans and documents set out in Decision documents below.

Second Schedule:

Bembridge Harbour, Embankment Road, Bembridge, Isle Of Wight, PO35 which land is shown edged red on the plan numbered 14:1977:11D attached to this certificate.

Third Schedule:

Reasons and Limitations

- (a) **This certificate is issued solely for the purposes of s191 of the Town and Country Planning Act 1990 ("The 1990 act").**

It certifies that the use specified in the first schedule taking place on the land described in the second schedule was lawful on the specified date and therefore would not have been liable to enforcement action under s172 of the 1990 Act on that date

This certificate applies only to the extent of the use described in the first schedule and the land specified in the second schedule and identified on the attached plan. Any use which are materially different from those described or which relates to other land may render the owner/occupier liable to enforcement action.

REASON FOR GRANTING

It has been satisfactorily proven that 25 traditional and non-traditional houseboats for permanent residential use have been in use at the site for a period of at least 10 years, together with the use of the remaining land which has been, and can be, used for harbour purposes. And as such this is lawful within the meaning of S191 of the Town and Country Planning Act.

DETAILED INFORMATIVES

Decision documents

For the avoidance of doubt the Drawing(s) Numbers(s)/Documents to which this decision refers are as follows:-

- Drawing number 14:1977:11D titled 'Vessel Plots, Bembridge Harbour, isle of Wight (Revised January 2018)
- Planning Statement (dated 16/02/2016)
- Bembridge Conservation Area Appraisal (adopted May 2011)
- Aerial Photographs (date 07/08/2015)

This Certificate relates to the stationing of 25 traditional houseboats and non-traditional houseboats for permanent residential use that at the date of submission of this LDC application include the following named boats:

- Rubstone
- Waikiki
- Day Dawn
- Seahorse
- Petrenda
- Harbour View
- Heyvon
- Blackrock
- Harbour Lights
- Phaedra
- Poem 25 (previously occupied by Emily)
- Spinnaker
- Arctic
- Currently vacant but was occupied by Fortune
- Zambesi
- Bryher II (previously received an LDC to establish its presence)
- Marks Ark
- Little Suzy (recently received an LDC to establish its presence)
- Samphire
- Fairmile-C (previously named Xoran) (recently received an LDC to establish its presence)

- Freebird
- Sturdy
- Blue Max
- Myosotis
- Gypsy Queen

Advice to applicant

1

The applicant is advised that the traditional houseboats and non-traditional houseboats used for permanent residential use above may vary/be replaced from time to time and this is unlikely to be regarded as a material change of use if there are no significant changes in size and appearance or if there are no material environmental consequences. The question as to what increase in numbers of traditional and or non-traditional houseboats would constitute a material change of use is a matter of fact and degree and whilst the use of 25 boats in residential occupation is considered to come within the existing use, the Council reserves its position should this number increase.

2

The applicant is advised that the harbour use as set out in the description covers those uses within the Pier and Harbour Order (Bembridge Harbour) Confirmation Act 1963, notably s15. Other uses may require planning permission.