

## KENT COUNTY COUNCIL

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### REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Online on Thursday, 24 September 2020.

PRESENT: Mr A H T Bowles (Chairman) Mr S C Manion (Vice-Chairman)  
Mr M A C Balfour, Mr D L Brazier, Mr I S Chittenden, Ms S Hamilton,  
Mr P M Harman, Mrs L Hurst, Mr R A Marsh, Mr D Murphy, Mr R A Pascoe,  
Mr H Rayner and Mr A M Ridgers

IN ATTENDANCE: Mr B Watts (General Counsel), Mr G Rusling (Public Rights of Way & Access Service Manager), Mrs S Thompson (Head of Planning Applications), Mr R Gregory (Team Leader - Planning Enforcement) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **7. Minutes**

*(Item 3)*

RESOLVED that:-

- (a) the Minutes of the Committee meeting held on 28 January 2020 are correctly recorded and that they be signed by the Chairman; and
- (b) the draft Minutes of the Mental Health Guardianship Sub-Committee held on 4 March 2020 be noted.

#### **8. Home to School Transport Appeals - Presentation by General Counsel**

*(Item 4)*

(1) The General Counsel gave a verbal presentation in which he said that the Home to School Transport Appeals were currently being held in three ways, depending on the preferences of the appellants. These were face to face appeals; Virtual Appeals for which Members could choose whether they wished to meet in one place or participate remotely; and paper-based appeals.

(2) The General Counsel provided a statistical update. He said that 34 appeals had been received by the end of Summer Term 2020. 20 of these had already been heard and a further 11 were due to be considered by 21 October 2020. The other 3 would be considered once the parents had indicated their preferred form of appeal.

(3) Further appeals had been received after the end of the Summer Term. 24 of the 67 lodged to date had been heard so far. 2 of these had been face to face; 4 Virtual; and 18 paper - based. A further 34 had been listed but not heard (8 face to face, 13 Virtual and 13 paper-based). The remainder would be allocated once the appellants had informed Democratic Services of their preferred form of appeal.

(4) During discussion of this item, the Chairman stated that it was essential that at least four Members should be recruited for those Panels meetings where Members were to meet in the same place. If only three Members were on the Panel there would be a risk that the entire meeting would need to be cancelled if one of them had to send apologies on the day itself. He added that, whilst he recognised that employees had the absolute right not to participate in physical meetings during the pandemic if they did not feel safe, he would greatly appreciate it if their concerns could be allayed as physical attendance by the clerk would be beneficial to the Panel's deliberations.

(5) Members commented that they preferred face to face meetings because this was the best way to gather information that might otherwise not be brought to the Panel's attention.

(6) The General Counsel noted the points made by the Chairman and Members and confirmed that he, his staff and Members (particularly the Chairman) were constantly reviewing the arrangements in the light of experience and government guidance.

(7) The Committee thanked the General Counsel, his staff, the Chairman and Members who served on Home to School Transport Appeal Panels for the constructive manner in which they had developed a system for considering appeals that best met the needs of all concerned during the current pandemic.

(8) RESOLVED that the report be noted.

## **9. Update from the Public Rights of Way and Access Service** *(Item 5)*

(1) The Public Rights of Way and Access Service Manager presented a summary of the current position in respect of applications to amend the Definitive Map and Statement. His report covered (amongst other matters) Section 53 applications, Applications to divert, extinguish or create public rights of way, Applications for Village Greens, the backlog of work and the impact of Covid 19.

(2) The Public Rights of Way and Access Manager's report highlighted the increasing number of applications received and the high level of professionalism of those making them. He also explained that the Service had been able to adapt quickly and effectively to working from home. The two main impediments to its work were the need to wait for significant case law to be established in the courts, the difficulties around actually visiting sites which were the subject of applications and the difficulties of arranging interviews with applicants, witnesses, landowners and objectors.

(3) RESOLVED that the report be noted.

## **10. Update on Planning Enforcement Issues** *(Item 6)*

(1) The Head of Planning Applications introduced the report, stressing the work of the Enforcement Team during the pandemic. She said that the greatest difficulty facing the Team was that owing to Covid-19 restrictions, site visits had needed to be

undertaken within the limits of Covid safeguards and in the initial days of the pandemic had needed to be suspended. It had also been difficult to arrange interviews with all parties involved in alleged contraventions. There had also been a marked increase in workload due to a rise in the number of complaints and cases.

(2) The Head of Planning Applications Group reported that since publication of the agenda papers, Tonbridge and Malling BC had refused to issue a Certificate of Lawful Use or Development (CLEUD) for a haulage operator's centre. The consequences of the Borough Council's decision would be considered and reported to the next meeting.

(3) RESOLVED that:-

- (a) the actions taken or contemplated in the report be noted and endorsed;  
and
- (b) the Head of Planning Applications Group's update on Borough Green Sandpits be noted.

## **EXEMPT ITEMS**

### **(Open Access to Minutes)**

*(Members resolved under Section 100A of the Local Government Act 1972 that the public be excluded for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act.)*

#### **11. Update on Planning Enforcement cases**

*(Item 9)*

- (1) The Head of Planning Applications and The Team Leader – Planning Enforcement gave an update on unauthorised planning enforcement matters setting out actions taken or contemplated at Raspberry Hill Park Farm, Iwade; Hoads Wood Farm, Bethersden; Ringwould Alpine Nursery; Double Quick Farm, Lenham; Yorkletts, Whistable; Mount Pleasant Farm, Yorkletts; The Stables, Harpole Farm, Detling; Heart in Hand Road, Canterbury; Earley House, Petham; Fairfield Court Farm, Romney Marsh; Chapel Lane, Sissinghurst; East Kent Recycling, Oare Creek, Faversham; Blaise Farm Quarry, Kings Hill; Wentworth Primary School, Dartford; Mayfield Grammar School, Gravesend; and Tunbridge Wells Grammar School for Boys.
- (2) The Head of Planning Applications gave a detailed update on the decision by Tonbridge and Malling BC to refuse to issue a Certificate of Lawful Use or Development (CLEUD) for a haulage operator's centre at the Borough Green Sandpits site in Platt.
- (3) The Head of Planning Applications agreed to provide Mr Rayner with the contact details for the appropriate officers in Tonbridge and Malling BC in respect of Borough Green Sandpits.
- (4) RESOLVED that the enforcement strategies outlined in paragraphs 5 to 81 of the report be noted and endorsed together with the update on Borough Green Sandpits.