

**REGULATION COMMITTEE**

**Thursday, 28th January, 2021**

**10.00 am**

Online





## AGENDA

### REGULATION COMMITTEE

Thursday, 28th January, 2021, at 10.00 am  
Online

Ask for: **Andrew Tait**  
Telephone: **03000 416749**

#### Membership (14)

Conservative (12): Mr A H T Bowles (Chairman), Mr S C Manion (Vice-Chairman), Mr M A C Balfour, Mr D L Brazier, Ms S Hamilton, Mrs L Hurst, Mr R A Marsh, Mr D Murphy, Mr J M Ozog, Mr R A Pascoe, Mr H Rayner and Mr A M Ridgers

Liberal Democrat (1) Mr I S Chittenden

Independents (1): Mr P M Harman

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 24 September 2020 (Pages 1 - 4)
4. Dates of Future Meetings  
Wednesday, 23 June 2021  
Thursday, 23 September 2021  
Thursday, 27 January 2022  
Thursday, 9 June 2022
5. Home to School Transport Appeals Update (Pages 5 - 8)
6. Update from the Public Rights of Way and Access Service (Pages 9 - 12)
7. Update on Planning Enforcement Issues (Pages 13 - 18)
8. Other Items which the Chairman decides are Urgent
9. Motion to exclude the public

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

**EXEMPT ITEMS**

*(During these items the meeting is likely NOT to be open to the public)*

10. Update on Planning Enforcement cases (Pages 19 - 36)

Benjamin Watts  
General Counsel  
03000 416814

**Wednesday, 20 January 2021**

*Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.*

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**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.

By: Andrew Ballard – Principal Democratic Services Officer  
 To: Regulation Committee – 28 January 2020  
 Subject: Home to School Transport Appeals update  
 Classification: Unrestricted

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Summary: To provide Members with an overview on Home to School Transport appeal statistics for the period between 1 January 2020 to 31 December 2020 and a brief comparison with transport appeals statistics from 2010 to 2019.

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## 1. Home to School Transport Appeal Statistics 2020

(1.1) For the period between 1 January 2020 to 31 December 2020 a total of **118** individual appeals were considered by Member Transport Appeal Panels of this Committee. 64% were upheld at least in part (e.g: time limited assistance) and a breakdown of these appeals on a month by month basis is set out in Appendix A along with a comparison with appeals held in 2010 to 2019. An additional 14 appeals were received/scheduled but were not heard due to them being either reassessed by the Transport Team or withdrawn by the parent.

(1.2) There are a further 7 appeals that are still waiting to be heard which are scheduled for January/February 2021.

(1.3) It is interesting to note that in 2020 the majority the total number appeals were heard between August – 31 December 2020.

(1.4) Appeals are successful due to a variety of reasons and can include:

- Financial hardship
- Health & medical need
- No cost to the Council
- Temporary accommodation
- Family circumstances
- Circumstances of the child
- Childs safety
- Review cases

## 2. Changes to the process due to Covid

(2.1) As a result of Covid and national and regional lockdowns, revised arrangements were made in order to facilitate appeals. Parents were provided with three options as to how they wished their appeals to be heard. These options were, face to face appeals as and when local restrictions

allowed, virtual appeals via video conference on Microsoft Teams; and finally, paper-based appeals where Members considered the case based on the written submissions only. The following table provides Members with a breakdown of how appeals were facilitated during August to December 2020.

	Appeals heard
Paper Based Appeals	38
Virtual Appeals	35
Face to Face (Aug-Oct 2020)	12

### **3. Transport Appeal Statistics – 2019**

(3.1) For the period between 1 January 2019 to 31 December 2019 a total of 166 appeals were considered by Transport Appeal Panels. 54% were upheld at least in part (e.g. time-limited assistance).

### **4. Local Government & Social Care Ombudsman**

(4.1) If parents remain dissatisfied and believe that they have suffered injustice as a result of maladministration by the Panel, they are advised of their rights to pursue their complaint with the Local Government & Social Care Ombudsman (LGSCO). This is not a right of appeal and has to relate to issues such as failure to follow correct procedures or failure to act independently and fairly, rather than just that the person making the complaint believes the decision to be wrong.

(4.2) During the last year, 4 complaints were received with no faults being found. The LGSCO provide a breakdown of their findings at <https://www.lgo.org.uk>

### **5. Home to School Transport arrangements**

(5.1) The Interim Head of Fair Access will present to Members an update on how Home to School Transport applications have been considered during Covid, key lessons learnt and improvements that the Authority have made as a result.

<b>6. Recommendation</b> Members are asked to note this report.
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Appendix A – Home to School Transport appeal table

Andrew Ballard

Principal Democratic Services Officer

Tel No: 03000 415809, e-mail: [andrew.ballard@kent.gov.uk](mailto:andrew.ballard@kent.gov.uk)

**TABLE 1**  
**HOME TO SCHOOL**  
**TRANSPORT APPEALS -1 JANUARY – 31 December 2020**

Month	Total Scheduled	Total Heard	Upheld	Not Upheld	% Upheld
January	7	7	3	4	43%
February	12	12	5	7	42%
March	7	7	2	5	29%
April	7	7	7– Review	N/a	100%
May	0	0	0	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	19	17	12	5	70%
September	17	12	8	4	66%
October	27	23	18	5	78%
November	27	24	14	10	58%
December	9	9	7	2	78%
<b>TOTALS</b>	<b>132</b>	<b>118</b>	<b>76</b>	<b>42</b>	<b>64%</b>

**TABLE 2**  
**HOME TO SCHOOL TRANSPORT APPEALS - 2010-2019**

Year	Upheld	Not Upheld	Total	% Upheld
2010	38	46	84	45%
2011	23	43	66	35%
2012	26	80	106	24%
2013	33	76	109	30%
2014	76	72	148	51%
2015	67	57	124	54%
2016	72	65	137	52%

2017	102	89	191	53%
2018	87	78	165	53%
2019	89	77	166	54%

## Update from the Public Rights of Way & Access Service

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The report by the Public Rights of Way and Access Service Manager to Kent County Council's Regulation Committee providing an update on a number of matters relating to the Definitive Map and Statement, and the Register of Common Land and Village Greens, on Thursday 28th January 2021.

### **Recommendation:**

**I recommend that Members consider this report and note its content.**

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### **Progress with Definitive Map & Statement Section 53 Applications**

1 A report is made to the Regulation Committee in September each year highlighting the number of applications received by the County Council to amend the Definitive Map and Statement and detailing:

- the number of applications requiring determination
- an estimate of the time taken between receipt of an application and the start of the determination process.

1.1 Any person may make an application to the County Council, as the Surveying Authority under section 53 of the Wildlife & Countryside Act 1981, to amend the DMS to add, upgrade, downgrade, or delete a Public Right of Way. The County Council has a duty to investigate every application it receives.

1.2 Investigation involves undertaking interviews with witnesses and landowners, documentary research and consultation, amongst other things. The nature and length of the investigation is to an extent dependent on the nature of an application: Is it made on the basis of use by the public over such a time and in such a manner that public rights have been established? Or is it made on the basis of documentary evidence that demonstrates that a public right of way subsists (once a highway always a highway); or a combination of both?

1.3 Increasingly, driven by the cut off date for applications based on historic documentary evidence of the 1<sup>st</sup> January 2026, the County Council is in receipt of applications based on documentary evidence. In 2019 twenty two applications were received; in 2020 thirty seven applications were received, twenty one of which were made on the basis of documentary evidence.

1.4 We are at a point where a number of applications based purely on historic evidence are being determined, often following consideration by the Planning Inspectorate. Those applications that have resulted in the recording of rights are presenting a number of practical difficulties. Not surprisingly the public wish to be able to use these recently recorded public rights. However, many present practical difficulties, and cost, in bringing them into a condition where use is possible; land use, management and the use of buildings has changed over the decades since many of these highways were last in regular use. What may be viewed as a dry administrative purpose has a very real impact for users and land managers.

1.5 It is intended to bring a report to the June Regulation Committee setting out in detail the process followed when determining Definitive Map Modification Order applications.

1.6 The Schedule of Applications is updated on a regular basis and can be located on the County Council's website at:

<http://www.kent.gov.uk/waste-planning-and-land/public-rights-of-way/correct-the-rights-of-way-map>

1.7 The Public Rights of Way and Access Service has previously highlighted the increasing level of research being undertaken by stake holders to identify and record public rights of way before the DMS cut-off date. This did create a demand and pressure to provide access to the County Council's contemporaneous highway records. The Rights of Way and Access Service, with Kent Highways Definition Team established a volunteer project to provide a summary folio of highway records to manage this demand on both services.

### **Impact of COVID-19**

2. In the September 2020 report to the Regulation Committee an update was provided on the impact of COVID 19 on the Public Path Order making process. The same modifications to service have again been implemented during the current lockdown and the work of the Service continues with only minor constraints.

2.1 Worthy of highlighting is that the Public Inquiry to consider the Public Footpath CW80 at Whitstable Rail Crossing Extinguishment Order (Glebe Way Crossing) was able to proceed by way of a virtual Public Inquiry. Much of the Inquiry may be viewed on the Planning Inspectorate You Tube Channel at:

<https://www.youtube.com/channel/UCQqDetL1R5aRgbNm8PDViNw/featured>

This not only prevented further delay to the consideration of this matter but brought benefits. It is hoped that when the current restrictions are lifted that virtual Public Inquiries will still be viewed as the most practical option for many matters.

### **Applications to amend the Registers of Common Land and Village Greens**

3. A Regulation Committee Member Panel has been arranged for Wednesday 24<sup>th</sup> February 2021 and will consider three Village Green applications and one application to amend the Register of Common Land.

3.1 Since the last Regulation Committee meeting in September, one new Village Green application (to register land at Kennington) has been received, as well as three applications to register land as Common Land. The latter are made by the Open Spaces Society and rely upon historical evidence that these pieces of land were erroneously omitted when the Registers of Common Land and Village Greens were originally compiled under the Commons Registration Act 1965.

3.2 Members will be aware, through previous reports, of a number of challenges to decisions to register land as Village Green that have been considered in the High Court and Supreme Court. These have had a bearing on, and delayed the determination of, applications currently being considered by the County Council. The most recent of these cases, *TW Logistics Ltd v Essex County Council* was heard by the Supreme Court on the 2<sup>nd</sup> and 3<sup>rd</sup> December. The judgement is still to be handed down, but as soon as it is received it is hoped that progress with the outstanding Village Green applications at Whitstable Beach and Herne Bay can resume.

## **Recommendation**

4. I RECOMMEND Members consider this report and note its content.

### **Contact Officer:**

Graham Rusling – Public Rights of Way and Access Service Manager

Public Rights of Way & Access Service

Tel: 03000 413449 - Email: [graham.rusling@kent.gov.uk](mailto:graham.rusling@kent.gov.uk)

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## Update on Planning Enforcement Issues

## Item 07

Report by Head of Planning Applications Group to the Regulation Committee on 28th January 2021.

Summary: Update for Members on planning enforcement matters.

Recommendation: To endorse the actions taken or contemplated on respective cases.

Unrestricted

### Introduction

1. This report is intended to give an insight into the experience of the County Planning Enforcement service, in the context of further national Covid-19 restrictions. It covers the period from 24<sup>th</sup> September 2020 Regulation Committee Meeting to date.
2. It has been difficult to continue running the service to any normal degree under the uncertainty of lockdowns, the frequent rule changes with relation to the virus and the need to ensure safe covid working practices. What is certain though is that new waste cases have escalated markedly.
3. Although the planning enforcement team has predominately been working from home, prior to the current lockdown, limited arrangements have been made to go into the office when there is an essential need to access files, photocopy documents and prepare for formal actions. Face-to-face rather than video case-conferencing has been important in the more complex cases. The benefit of the contact itself, in work where morale and positive thinking are vital, cannot be underestimated.
4. As with much of current economic activity, the drawbacks of lockdown in a planning enforcement sense are the disruption to normal working patterns, isolation and some slippage on timescales, with our external and joint enforcement partners also running reduced services. Practical workarounds have been introduced where appropriate. The real concern though is the health and safety considerations with regard to the virus, of visiting sites where confrontation is common but social distancing is largely non-existent.

### Report format

5. Alleged unauthorised sites are considered by Members as exempt items. This helps to protect the content of any planning enforcement approaches being taken, which may subsequently be relied upon in court or in legal actions.
6. This report summarises the alleged unauthorised activity. There is a further exempt report within (Item 10) of these papers, containing restricted details of cases. It also includes discussions on our own or joint strategies with other partner bodies (with their own need for confidentiality) and the seeking of Member endorsement. Notwithstanding these restrictions, a list of the cases covered in the schedule is given under paragraph 8 below.

**Report Content**

7. Given the operational constraints outlined above, the content of this and the confidential companion report have needed to be condensed. However, to reassure the public and Members, the planning enforcement service continues but in a modified form taking account of covid requirements and Government advice. Strict prioritisation of cases is being observed with the emphasis on the most pressing of cases that fall within the County Council's remit. The call upon the Council's enforcement resources ranges from County Matter cases (mineral and waste management) at one end, through to supportive work in the public interest on district cases, at the other. Within that it further includes cases that are being investigated, which may ultimately not be (or not completely) for this Authority and strategy and case management advice to other regulatory authorities.
8. The list of cases covered under Item 10 'Update of Planning Enforcement Cases' (Exempt report) in order of presentation are:

**County Matter cases** (or those having the potential to be or forming a significant element)

01. **Raspberry Hill Park Farm**, Raspberry Hill Lane, Iwade, Sittingbourne.
02. **Springhill Farm**, Springhill, Fordcombe, Sevenoaks.
03. **Hoads Wood Farm**, Bethersden
04. **Ringwold Alpine Nursery**, Dover Road, Ringwold
05. **Double-Quick Farm**, Lenham, Maidstone
06. **Mount Pleasant Farm**, Seasalter Lane, Yorkletts, Whitstable

**District referrals** (unlikely to be a County Matter, or advice / joint-working)

07. **The Stables**, Harpole Farm, Detling
08. **Heart in Hand Road**, Canterbury
09. **Earley House**, Waltham Road, Petham
10. **Fairfield Court Farm**, Brack Lane, Brookland, Romney Marsh.
11. **Chapel Lane**, Sissinghurst, Tunbridge Wells.
12. **Woodside East**, Nickley Wood Road, Shadoxhurst.

**13. Hollow Street, Chislet.**

**NB** In addition to the above cases, (01) to (13), measurable time has also been spent on the following further or emerging cases. This includes those that could be handled by other authorities and agencies, without the need for our strategic input, or those where we have offered advice and support:

- Badgers Mount, Old London Road, Sevenoaks.
- Site adjoining Knockholt train station, Sevenoaks.
- Basser Hill site, Iwade, Sittingbourne
- Blean Wood, site adjacent to former Canterbury Airfield, Dunkirk, Canterbury.
- Nethergong site, Chislet, Canterbury
- Tonge Mill pond, Church Road, Sittingbourne

The full extent of some of these sites and alleged breaches have been difficult to assess without being able to go onto the sites. An appropriate contribution or matters of jurisdiction have similarly been difficult to decide upon.

**Permitted sites** (compliance issues)**14. East Kent Recycling Site D, Oare Creek, Faversham Kent.****15. Blaise Farm Quarry, AD Facility, Kings Hill, West Malling.****16. Dungeness Borrow Pit, Dungeness.****17. Maidstone Grammar School, Barton Road, Maidstone.****18. Cobbs Wood Industrial Estate, Ashford****19. Tunbridge Wells Grammar School for Boys, St Johns Road, Tunbridge Wells.****Meeting Enforcement Objectives***Workload focus*

9. It appears that the lockdown and restrictions associated with the virus have not deterred and indeed in some cases seem to have encouraged a significantly higher level of contravening behaviour than previously seen by this Authority. Peer group links with other County Councils seem to indicate a similar pattern across at least the south-east of England and probably wider afield.
10. The workload in Kent is prioritised according to the potential level of harm and phased according to our capacity. It is also being shared as much as possible with our enforcement partners (district councils, the EA and the police) to give a strong and combined approach at a time of need. Joint-working is encouraged in any event by the

Government and is an approach that KCC Planning Enforcement has pursued for many years.

11. The balance of our work has still largely been between our core County Matter cases and a raft of district referrals. Compliance issues on sites permitted by the County Council is a further work stream.

*Lockdown factors*

12. Our observations concerning the escalation of cases and their severity, fall into three main areas.
13. Firstly, the assumption may have been made among those willing to operate outside of planning law, that with officers largely based at home, they may continue with their activities with impunity. That is not the case, as many have found to their cost during the pandemic, having been confronted with multi-agency enforcement teams.
14. Secondly, those affected have been at home and experiencing the amenity impacts over longer periods of the day and more intensely, resulting understandably in more complaints and more registered cases.
15. Thirdly, construction and other associated industries have lawfully continued throughout the crisis, generating waste materials, with some finding its way into the 'wrong hands' and to sites potentially quoted within these papers.

*Local assistance*

16. A valuable feature of the lockdown restrictions has been the inter-linking of interested parties, with officers in the planning and related enforcement fields being kept informed of local concerns and activities at alleged contravening sites. Notwithstanding key worker status, there have been practical, health & safety and capacity issues for officers in visiting sites sufficiently. Accurate and helpful feedback and updates on 'problem sites', by local residents / groups and local / County Members has proved crucial in helping to plan the best use of our responses.
17. District officer 'drive-bys' of sites on our behalf and briefings from the EA and the police have also been very helpful in allowing some continuity of service. Local Authority planning websites have proved particularly useful for help in researching planning histories. A virtual network of frontline officers across the various enforcement bodies has also been of crucial assistance in terms of support and information sharing, when tied to a remote working location.

*Other duties*

18. Alongside our core planning enforcement duties, we have also sought to assist others, particularly family members that are shielding. Infection risks at site become more serious in that context.

**Monitoring****Monitoring of permitted sites and update on chargeable monitoring**

19. In addition to our general visits to sites, we also undertake routine visits on permitted sites, to formally monitor against the statutory monitoring charging scheme. This provides useful compliance checks against each operational activity and an early warning of any alleged and developing planning contraventions. At the moment such visits have been suspended, in order to attend to more immediate priorities and covid-safe requirements.

**Resolved or mainly resolved cases requiring monitoring.**

20. Alongside the above monitoring regime there is a need to maintain a watching brief on resolved or mainly resolved enforcement cases which have the potential to reoccur. Under normal circumstances, this accounts for a significant and long-established pattern of high frequency site monitoring. Cases are routinely reviewed to check for compliance and where necessary are reported back to the Committee. For the moment, this initiative has also been reduced to allow a diversion of resources to more immediate and pressing duties.

**Conclusion**

21. Various phases of lockdown and changing rules and restrictions have set an uncertain context for the planning enforcement service. Nevertheless, adjustments have been made in order to help continue the service, whilst recognising covid restriction requirements. Site visits and face to face meetings among officers have necessarily been curtailed. However, a positive aspect from this more remote style of working is that officers and agencies have had to rely on each other more and to network accordingly. A strategic case has been organised along such lines and others in the pipeline are expected to benefit from the same approach. It is an operational template, which can be built upon when the pandemic subsides. Ironically, keeping people apart may result in the longer term in closer working units and stronger combined enforcement actions.

**Recommendation**

22. I RECOMMEND that MEMBERS NOTE & ENDORSE:

- (i) the actions taken or contemplated in this report.  
s

Case Officers: KCC Planning Enforcement

03000 413380 / 413384

Background Documents: see heading.

By virtue of paragraph(s) 5, 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Agenda Item 10

Document is Restricted

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