

# Unauthorised Development

Report by Head of Planning Applications Group to the Regulation Committee on 9<sup>th</sup> September 2010

Summary: Stance taken by Kent Leaders on unauthorised development

Recommendation: To note the report.

Local Member: N/A

Unrestricted

1. The new Coalition Government seeks to review and introduce changes to the planning system with an emphasis on localism. Further details are expected, but to date the Secretary of State for Communities and Local Government has revoked the Regional Spatial Strategies (in the case of Kent, the South East Plan), set up an inquiry to look at the decision to abolish regional spatial strategies and is establishing a second inquiry to consider the localism agenda. It has also announced the preparation of a number of policy statements and a national planning framework.
2. At the June meeting of the Kent Leaders and Chief Executives, the issue of unauthorised development and retrospective planning applications was discussed. The Group unanimously agreed that it should call upon the new Government to introduce procedures, offences or penalties for this type of activity in the forthcoming policy statements and the national policy framework.
3. A letter was sent on behalf of all the Kent Leaders to Greg Clark, the Minister for Decentralisation. It drew attention to current problems dealing with unauthorised development, the creation of an 'uneven playing field' by those that circumvent the planning process and the reputational risks to local authorities in dealing with enforcement matters. It also highlighted the impact upon public resources. The letter urged the Government to seriously consider the introduction of a new offence of carrying out development without the necessary approvals under planning legislation and for a requirement for Building Control officers to inform the Planning Authorities of any discrepancies between approved plans and development on the ground. A joint press statement was issued by the 13 Kent leaders. A copy of which is attached as appendix 1.
4. A review of the planning system provides an opportunity to consider this complex area of planning and to tighten processes to prevent developers taking advantage of the planning system. The County Council has considerable experience in dealing with enforcement matters relating to unauthorised mineral and waste matters and should ensure that this experience is fed into the Government's Review at the appropriate time.

## Recommendation

5. I RECOMMEND that MEMBERS: NOTE the stance taken by the Kent Leaders.

Case Officer: Sharon Thompson

01622 696052

# Unauthorised Development

## Appendix 1

### JOINT PRESS STATEMENT BY KENT LEADERS

## Kent leaders call for "zero tolerance" of unlawful development

In an unprecedented move to thwart unlawful development in Kent's towns, villages and countryside, all thirteen Kent council leaders have called for legislation to end the practice of building without planning permission.

In a letter to new Planning Policy Minister and Kent MP Greg Clark, the leaders call upon the Coalition Government to introduce a new offence to tackle this increasing type of development which is built without first gaining planning consent from local councils. While those who make mistakes would have nothing to fear from the change, deliberate offenders would be required to take down unlawful buildings or would be fined according to the seriousness of the case or the value of their development.

#### **Tonbridge & Malling Leader Mark Worrall explained:**

*"Unlawful development can scar the countryside and is the bane of many villagers' lives. This simple piece of legislation would send a clear message that there is now "zero tolerance" for buildings put up without permission and would give local councils clearer and less encumbered powers to enforce the wishes of local people. Such a move would be particularly helpful in dealing with unauthorised caravans and mobile homes."*

#### **Canterbury City Council Leader John Gilbey added:**

*"The current ability to gain planning consent after construction has begun or is completed is simply providing applicants with the opportunity to avoid the planning process. This can often mean deliberate attempts to by-pass the system because councils face real risks in pursuing the ultimate sanction to require the removal or taking down of an illegal structure. In their letter, the leaders make a particular point about caravans and mobile homes, stating; "Local Planning Authorities are hampered in their ability to take effective and urgent action due to the current policy position that has emerged, over the past 13 years, concerning such types of development, particularly by Gypsy and Traveller groups. Whilst it is recognised that the needs of these groups must be addressed, current policy presumptions weigh against what is acceptable and explainable to local communities."*

The letter concludes:

*"Local Planning Authorities face severe reputational risk. The overwhelming majority of law-abiding citizens are offended by those who ignore or flout the laws by which they themselves have to abide. Too often, they assume that this is allowed to happen through a lack of resolve, capacity or competence by their local Council."*

In tackling the growing issue of unlawful development in Kent, particularly in the county's rural areas, Kent leaders are offering to help the Government introduce new legislation which would enable councils to take swift and effective action to ensure no-one is above the law.

## Unauthorised Development

Kent leaders believe that the new Government has a great opportunity to tackle this issue in its national planning framework expected later this year. In its programme for government published last month, Ministers state their intention to “...*publish and present to parliament a simple and consolidated national planning framework covering all forms of development*”.

An early planning statement is anticipated before the summer