

**Active Enforcement Cases**

**Schedule 1: Contraventions on (part) unauthorised sites**

	<u>Site &amp; Case Reference</u>	<u>Alleged Breach</u>	<u>Objectives / Actions</u>	<u>Progress</u>	<u>Notes / Remarks</u>
1	<p style="text-align: center;"><b>Ashford</b></p> <p>DC3/AS/03/COMP/0090 Shaw Grange, Charing  (Member: Richard King)</p>	<p>Previous multiple breaching of landfill permissions, Enforcement Notices and High Court Injunctions.</p>	<p>To secure restoration of the site in the public interest.</p>	<p>The site has now been restored and is being monitored. and landscaped.</p>	<p>A <b>site visit</b> by Members to view the overall progress reached is being arranged for <b>Friday 13 July 2012</b>.</p>
2	<p style="text-align: center;"><b>Canterbury</b></p> <p>DC3/CA/12/COMP Bartonlea Cottage Lower Harbledown Canterbury  (Member: John Simmonds)</p>	<p>A report from Canterbury City Council (CCC) on the depositing and stockpiling of large volumes of used motor vehicle tyres on land to the rear of Bartonlea Cottage in Willow Woods.</p>	<p>To investigate and establish whether the reported activity falls within the County Council’s planning enforcement remit.</p>	<p>Over 10 years ago about 5,000 used tyres were imported and deposited on the land to form an enclosure for quad-bike racing. Over time the tyres became lost within undergrowth and screened from view. The present landowner had uncovered the tyres to create a hand-stacked perimeter tyre bund to enclose his land.</p>	<p>The site, whilst falling within a designated local wildlife area, does not impinge upon the PROW network and is screened from public view. CCC is content with the presence of this means of enclosure. Details have been forwarded to the Environment Agency and it is intended to maintain a <b>‘watching brief’</b> pending their investigation.</p>

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3	<p style="text-align: center;"><b>Dartford</b></p> <p>KCC/DA/0123/12 LanceBox Ltd Plot 14 Manor Way Business Park, Swanscombe</p> <p>(Member: Richard Lees)</p>	<p>LanceBox Ltd has recently submitted an application for a Lawful Development Certificate (LDC) for <i>'the receipt, storage, processing of construction/demolition and excavation of waste materials'</i>. The application seeks lawful status for these alleged breaches of planning control.</p>	<p>To process the application and test the veracity of the lawful use claim.</p> <p>In the alternative, to seek interim controls while a planning application is prepared, covering the disputed uses on site enclosed within an enhanced recycling centre.</p>	<p>A '4-point' plan has been devised, in return for KCC reserving enforcement action. The terms include:</p> <ul style="list-style-type: none"> <li>a) Return of the LDC;</li> <li>b) Submission of delayed planning application;</li> <li>c) Continued trading only under tight KCC / EA interim controls.</li> <li>d) Reduction of stockpiles / 'stand-off' distance from adjoining chalk cliff face.</li> </ul> <p>Agreement is awaited from LanceBox Ltd.</p>	<p>Should agreement on the '<b>4-point' site control and action plan</b> not be reached, by the date of the Meeting, I would seek <b>Member support for the taking of enforcement action</b>. That would include the serving of an Enforcement Notice; underwritten if necessary by a County / High Court Injunction. The action would apply to any alleged unlawful activities, established under the LDC application process.</p>

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4	<p style="text-align: center;"><b>Sevenoaks</b></p> <p>DC3/SE/11/COMP/ Marwood House Crockenhill</p> <p>(Member: Roger Gough)</p>	The importation, depositing, land raising and storage of waste materials on agricultural land.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit. If not, to advise and assist in brokering a solution to the site given its scale and impact.	Counsel has confirmed that <b>Sevenoaks DC (SDC) retain jurisdiction</b> , given the site's mixed-use status (equestrian development, caravan park, builders' merchants, ancillary storage.....) and that the EA regard current site inputs as re-useable rather than waste materials.	Sevenoaks DC are still fielding local complaints over traffic movements and soil spillage on the road. The EA continue to monitor the site, should they need to become involved again. <b>KCC officers remain available</b> to SDC for planning, enforcement and technical <b>advice</b> .
5	<p>SE/10/03196/FUL. Brasted Sandpits Brasted</p> <p>(Member: Richard Parry)</p>	Delayed restoration of a former sand quarry with some unauthorised infilling.	To achieve restoration to original levels, in compliance with the County Council's confirmed Enforcement Notice.	The EA pursued the errant tipping through the courts, resulting in the site being sold to the adjoining Golf Club. A planning application has since been submitted to SDC for a 9 hole par 3 Golf Course, completion of restoration and a Golf Academy.	County Council officers were consulted by SDC on the original and revised set of proposals. We have commended both as creative solutions to delayed restoration of a former sand quarry. Unfortunately, the application was refused, though revised proposals are awaited.

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6	<p style="text-align: center;"><b>Shepway</b></p> <p>DC3/SH/10/COMP/A02 Keith Cornell Waste Paper Ltd, Lympne Industrial Park, Lympne</p> <p>(Member: Ms Susan Carey)</p>	Alleged unauthorised waste-related recycling use on industrial land, resulting in noise complaints and related disturbance from local residents.	<p>To achieve a reduction in the current amenity impacts through voluntary restraint, pending determination of an application for retention of the use.</p> <p>Processing has revealed noise-related impacts, which would be difficult to fully attenuate. A meeting of regulators (including the local EHO) has agreed that further enclosure of site activities represents the most appropriate solution to the noise issue.</p>	<p>The applicant has been asked to amend the application to make provision for further enclosure, supported by a noise addendum report.</p> <p>The applicant hopes to be in a position to submit the amended details before the date of the Meeting.</p>	<p><b>Revised proposals involving extended site enclosure are awaited.</b></p> <p>I shall inform Members at the Meeting on progress.</p> <p><b>Service of an Enforcement Notice may prove necessary</b> should the required scheme not have been sufficiently progressed by the 5<sup>th</sup> September Regulation Committee.</p>
7	<p>DC3/SH/11/COMP Johnsons Recycling Ltd, Unit 1 Park Farm Close, Folkestone</p> <p>(Member: Richard Pascoe)</p>	Shepway DC reported that an alleged unauthorised waste scrap metal recycling use was taking place in this Industrial estate, near other independent waste uses.	To investigate and establish whether the reported activity falls within the County Council's planning enforcement remit.	It was established that the current operator had re-located to this site from a residential area in Folkestone.	In line with enforcement guidance, a <b>retrospective planning application is expected</b> in an attempt to regularise the use. I am currently prompting submission of the required scheme. I shall keep Members informed on progress.

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8	<p style="text-align: center;"><b>Swale</b></p> <p>DC3/SW/11/COMP/ APM Metals Sittingbourne</p> <p>(Member: Mike Whiting &amp; Alan Willicombe)</p>	<p>Unusual site traffic movements disrupting peak-hour flows.</p> <p>Essential site improvements, required by the EA have generated the temporary off-traffic issues.</p>	To urgently alleviate the problem.	Swale BC hold jurisdiction but the operator was contacted by County officers and a practical solution found. Phased use of the site was organised by radio, using remote parking spots.	The works are being brought to completion as quickly as possible. <b>I intend to remove from these schedules but inform Members when site operations return to normal.</b>
9	<p>DC3/SW/11/COMP/ Milton Creek Sittingbourne.</p> <p>(Member: Mike Whiting &amp; Alan Willicombe)</p>	Over stacking and stock-piling of site materials causing collapse to the banks of the creek, resulting in blocked water flow within the creek and obstruction to navigation. This partly involves an alleged trespass onto Medway Ports Authority land.	To see whether enforcement of the district planning permission for production of 'growing media' (i.e. soil-based compost) at the site, warrants the further intervention of the County Council?	A multi-agency approach has been advocated (i.e. KCC, Swale BC, the Environment Agency and Medway Ports Authority (MPA). The County Council for its part has negotiated submission of a planning application, for a revised version of the original permission. It will include a scaling down of activities and repair to the land and navigation. The agent intends to submit the scheme to the Borough Council. KCC would be consulted, allowing technical advice to be given.	<p>From the information available, I conclude that the mixed-use activities on site mean that this is <b>not a matter that KCC is in a position to lead-on</b>. That would be a role <b>for the Borough Council</b> to assume. The intended <b>regularising application</b> is I understand due <b>to be submitted to them</b>, consolidating the point. The owner / occupiers would <b>otherwise be exposed in the ultimate to concerted action</b> from SBC, KCC, the EA and MPA.</p> <p><b>I shall keep Members informed on this case.</b></p>

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10	KCC/SW0194/2011 SITA UK Limited Unit 15A Ridham Dock Industrial Estate  (Members: Mr M. Whiting & Mr A. Willicombe)	Alleged unauthorised wood-shredding.	To seek to regularise the on-site activity breaches through submission of a retrospective planning application.	SITA secured the use of the site earlier last year and stopped the activity. The use has since been granted retrospective planning permission at the 6 <sup>th</sup> September 2011 Planning Applications Committee. The <b>stockpile is currently being rundown</b> . However, SITA now <b>wish to retain</b> the site's holding capacity for their own use. They suggest that they enjoy dock-related <b>permitted development rights</b> .	I would need persuading on any permitted development rights, given the inter-relationship with their new permitted waste site. To settle the matter I am seeking Counsel's opinion. I shall advise the company accordingly. They in the meanwhile have given notice of their <b>intention to start</b> using the site. I shall <b>insist on restraint, pending legal advice</b> . I would seek Members support in conveying this message to SITA.
11	KCC/SW/0136/12 Sheerness Recycling Ltd Unit 34 Klondyke Ind Est Queenborough  (Member: Ken Pugh)	Sheerness Recycling recently submitted an <b>application for a Lawful Development Certificate</b> for current importation of construction/ demolition waste and its subsequent processing by means of mechanical screening to produce soil and aggregates.	To process the application to test the veracity of the claim. This type of application is determined on legal as opposed to planning merits. It is currently invalid.	A site visit will ascertain the extent of any alleged breach. An assessment can also be made on whether a retrospective planning application should be invited or not?	I shall report further at the Meeting on any updates.  As a <b>contingency</b> and to assist in site negotiations, I should seek Member's support in principle for the <b>service of an Enforcement Notice</b> .

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12	SW/05/COMP/0016 Woodgers Wharf, Horsham Lane, Upchurch  (Member: Keith Ferrin)	Unauthorised use of marine wharf for screening and crushing of imported concrete beams and alleged related waste management breaches.	<p>To arrest the alleged breaches and return the site to its lawful wharf-related use.</p> <p>A County Council confirmed Enforcement Notice (EN) requires restoration of the site, largely through the direct removal of the central stockpile of concrete beams.</p> <p>Crushing of the greater quantity of waste beams for sale to the open market is prohibited under the EN.</p>	<p>Potential sea defence contracts offered the prospect of complete removal by barge. However, the contracts have failed to materialise.</p> <p>Independent advice organised by the County Council through Remade South-East, has similarly failed to find alternative outlets for removal of the beams as they stand.</p> <p>In all the circumstances, negotiation has now switched to active pursuit of an 'on-site' solution i.e. using the beams in whole, broken or in a highly specified crushed form to create a hard-surface platform.</p>	<p>An 'on-site' solution would ensure that any amenity impacts arising from 'off-site' haulage were avoided. This represents a potentially sustainable solution, within the spirit and purpose of the new National Planning Policy Framework. Subject in this case, to nature conservation interests being adequately safeguarded.</p> <p>The parking of boats has been suggested as a Borough Council controlled surface use, compatible with the wharf. Any surplus beams could potentially be used to reinforce the access area into the site.</p> <p><b>I shall keep Members informed on this promising development, whilst reserving action under the Enforcement Notice.</b></p>

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1	<p style="text-align: center;"><b>Ashford</b></p> <p>DC3/AS/COMP/ Ripleys Scrap Metal Recycling Tennyson Road Ashford</p> <p>(Member: George Koowaree)</p>	Over-stacking of permitted metal stockpiles and related additional noise and disturbance.	To bring the stockpiles back down and in compliance.	<p>The company Managing Director has taken personal ownership of the points of issue at the site, meeting with local residents in person.</p> <p>The stockpiles were reduced on last inspection and permission has been granted for an enhanced 'buffer-strip', with adjoining residents, including road surfacing, improved landscaping and gated private access.</p>	<p>The over-stacking issue is being addressed more directly through the acceleration of investment into more modern and capable machinery.</p> <p>The voluntary 'side' (i.e. buffer-strip) improvements are well-advanced and the high site block wall has been extended as a further amenity benefit.</p> <p>Remote-controlled gates now secure a small and sedate enclave for the benefit of adjoining residents. Improved landscaping and re-surfacing will complete the works.</p> <p><b>I shall now remove from the schedules.</b></p>



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2	<p style="text-align: center;"><b>Dartford</b></p> <p>DA/10/1232 Easy Load Ltd Dartford Heath</p> <p>(Member: Jan Ozog)</p>	<p>Alleged unauthorised use of soil screener on site.</p> <p>Also, the cross-sectional height of plant &amp; machinery has been breached, creating a potential noise, dust and visual problem.</p>	<p>To have the screener removed.</p> <p>To assess the alleged additional amenity impacts being caused, to see if they are acceptable within planning terms. Failing that, to ensure that permitted elevations are honoured.</p>	<p>The screener has now been removed off-site.</p> <p>The operators have acknowledged the use of plant different to that approved under their planning permission, admitting contravention. They submitted a fresh application incorporating the new plant. I am reporting this to the 8<sup>th</sup> May 2012 Planning Application Committee, recommending permission.</p>	<p><b>Retrospective planning permission would address the breaches on site.</b> However, in the event that permission is not granted, I would seek Members <b>continued support for the service of Breach of Condition Notices</b> to correct any site irregularities.</p> <p><b>I shall inform Members of the outcome of the planning application at the Meeting.</b></p>
3	<p>DC3/DA/11/COMP Waste Recycling Centre 2-8 Little Queen Street, Dartford</p> <p>(Member: Avtar Sandhu MBE)</p>	<p>Complaints from local residents regarding the use of large goods vehicles damaging and blocking the approach route to the site in alleged contravention of the lawful Established Use Certificate for the site, granted on appeal in 1993.</p>	<p>To help KHS, Dartford BC, the Traffic Commissioners and the Police in alleviating the problem of damage to the highway, pavements, street furniture and buildings when LGVs approach and exit the site. At the same time, encouraging re-location of this historic use.</p>	<p>We have met with the operator and his planning consultant and impressed upon them the sensitivity of the site and the Company's responsibility towards local residents. They have agreed to institute tighter operational procedures.</p>	<p>The Company has responded positively to our intervention. Discussions have now turned to the subject of relocation. I am attempting to broker this more permanent solution to the problem.</p> <p><b>I shall keep Members informed of progress.</b></p>

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4	<p style="text-align: center;"><b>Swale</b></p> <p>DC3/SW/11/COMP Sweep Kuusakoski Ltd Waste Electronic and Electrical Equipment (WEEE) recycling, Gas Road, Sittingbourne</p> <p>(Member: Mike Whiting &amp; Alan Willicombe)</p>	<p>Alleged breach of operational procedures at this waste recycling facility, which was granted permission in 2007. Complaints of noise and related disturbance have been received, along with an allegation and admission of 'out of hours' working.</p>	<p>To use an existing and planning application to review the activity in the context of proposed site revisions, including an extension to operating hours.</p>	<p>The noise issues raised within a petition prompted by the application were taken account of in the overall planning assessment of the case.</p>	<p><b>Retrospective planning permission was granted</b> at the 13<sup>th</sup> March 2012 Planning Application Committee. All outstanding breaches have been addressed, and the <b>site will be monitored</b> to ensure compliance.</p>
5	<p>SW/10/1436 Countrystyle Recycling Ltd, In -Vessel Composting (IVC) and Materials Recovery Facility (MRF), Ridham Dock Road, Iwade.</p> <p>(Member: Mr Whiting / Mr Willicombe)</p>	<p>A number of breaches were reported to the last Meeting, including: open/broken roller shutter doors; external storage / processing of wood waste; dust control problems and containment issues; a concrete pad outside of the permission area and some minor alterations to the approved site layout.</p>	<p>To assess any additional amenity impacts being caused and whether they are acceptable within planning terms</p> <p>To seek redress thorough means of a retrospective planning application.</p> <p>The Environment Agency is conducting a parallel scrutiny of the site, given its poor operation.</p>	<p>Both doors were immediately repaired on Health &amp; Safety grounds.</p> <p><b>Planning applications have been submitted to address the various breaches.</b> They are currently being processed.</p>	<p><b>Should permission not be granted or breaching resume</b>, I would seek contingency support from Members for immediate <b>service of Breach of Condition Notices</b> to correct any site irregularities and an <b>Enforcement Notice</b> in relation to the concrete pad.</p>

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6	<p><b>Tonbridge &amp; Malling</b></p> <p>DC3/TM/08/COMP/0013 Aylesford Metals Co. Ltd, Mill Hall, Aylesford</p> <p>(Member: Peter Homewood)</p>	<p>Complaints from local residents of out of hours working and visual amenity impacts from the over-stacking of scrap.</p>	<p>To ensure compliance with the base planning permission and related Enforcement Notice.</p> <p>Relocation has always held the key to resolving issues on site.</p>	<p><b>Planning Permission</b> was granted by the Planning Applications Committee in January 2012 for the company <b>to relocate to New Hythe Lane</b>, Aylesford. Under an associated <b>Section 106</b> legal agreement the current <b>Mill Hall</b> activity must <b>cease within 6 months of any new operation</b> in New Hythe Lane.</p>	<p>The site will continue to be monitored during the planned relocation.</p> <p>The site benefits from an outline planning permission for housing, granted by TMBC. Following relocation, housing remains the current and preferred redevelopment option for the Mill Hall site.</p> <p><b>I shall keep Members informed on progress.</b></p>

**Schedule 3: Alleged breaches on Permitted County Council Developments**

***Appendix 3***

	<b><u>Site &amp; Case Reference</u></b>	<b><u>Alleged Breach</u></b>	<b><u>Objectives / Actions</u></b>	<b><u>Progress</u></b>	<b><u>Notes / Remarks</u></b>
1	<p style="text-align: center;"><b>Swale</b></p> <p>KCC/SE/0472/2011 Seal CEP School, Seal  (Member: Nick Chard)</p>	<p>A timber-framed modular building sited within the school grounds adjacent to the existing built envelope, has been erected without planning permission.</p> <p>The purpose was to provide suitable teaching accommodation for pupils with Special Educational Needs.</p>	<p>The School was invited to make a planning application to regularise the development.</p>	<p>A planning application was received on 1<sup>st</sup> November 2011 and was granted permission under delegated authority on 25<sup>th</sup> January 2012.</p>	<p>With the breach having been addressed, <b>I shall now remove from these schedules.</b></p>