

## KENT COUNTY COUNCIL

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### REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 28 January 2014.

PRESENT: Mr M J Harrison (Chairman) Mr S C Manion (Vice-Chairman)  
Mr M Baldock, Mr H Birkby, Mr C W Caller, Mr G Cowan, Mr A D Crowther,  
Mr J A Davies, Mr T Gates, Mr P M Harman, Mr P J Homewood, Mr T A Maddison,  
Mr J M Ozog, Mr R J Parry (Substitute for Mrs V J Dagger), Mrs E D Rowbotham and  
Mr J N Wedgbury

IN ATTENDANCE: Mr A Ballard (Senior Democratic Services Officer), Ms M McNeir  
(Public Rights Of Way and Commons Registration Officer), Mrs S Thompson (Head  
of Planning Applications Group), Mr R Gregory (Principal Planning Officer -  
Enforcement) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### 1. Membership

*(Item 1)*

The Committee noted the appointment of Mr A D Crowther in place of Mrs M Elenor.

#### 2. Minutes

*(Item 4)*

(1) The Minutes of the Regulation Committee Member Panel meeting of 3 December 2013 were tabled.

(2) RESOLVED that the Minutes of the Committee meeting held on 3 September 2013 are correctly recorded and that they be signed by the Chairman together with the following Member Panel meetings:-

- (a) 24 September 2013;
- (b) 15 October 2013;
- (c) 26 November 2013 (Kingsmead);
- (d) 26 November 2013 (Ripple);
- (e) 3 December 2013; and
- (f) 17 December 2013.

#### 3. Transport Appeal statistics

*(Item 5)*

(1) The Senior Democratic Services Officer gave an overview of Home to School transport appeal statistics for the period from 1 January 2013 to 31 December together with a brief comparison with transport appeal statistics in 2012.

(2) RESOLVED that the report be noted.

#### **4. Update from the Commons Registration Team**

*(Item 6)*

(1) The Committee considered a report by the Head of Regulatory Services which summarised the current position in respect of applications to register Town and Village Greens.

(2) The Commons Registration Officer informed the Committee of progress with the Pioneer Implementation of Part 1 of the Commons Act 2006.

(3) RESOLVED that the report be noted.

#### **5. Update on Planning Enforcement Issues**

*(Item 7)*

(1) The Committee discussed a report by the Head of Planning Applications Group which gave an update on planning enforcement and monitoring work since the September meeting of the Committee.

(2) The Head of Planning Applications Group brought forward a revised recommendation in respect of Orchard Place, Heniker Lane, Sutton Valence (Site 7 in Appendix 1 of the report). This involved the deletion of the final paragraph and its replacement by:-

“I will retain a watching interest in this site pending further information from MBC which may help to clarify jurisdiction.”

(3) The Head of Planning Applications Group brought forward a revised recommendation in respect of Sheerness Recycling, Sanderson Way, Tonbridge (Site 6 in Appendix 2). This involved the addition of the following final paragraph:-

“In the circumstances, I now propose to remove this item from these Schedules.”

(4) The Committee agreed the revised recommendations set out in (2) and (3) above.

(5) RESOLVED that:-

(a) subject to (2) to (4) above, endorsement be given to the actions taken or contemplated in the respective cases set out in paragraphs 2 to 26 of the report and those contained within Schedules 1,2 and 3 as appended to the report; and

(b) the minor revisions to the County Council’s Planning Enforcement Protocol be noted as set out in Appendix 4 of the report.

## **EXEMPT ITEMS**

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

*(Members resolved under Section 100A of the Local Government Act 1972 that the public be excluded from the meeting 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.)*

#### **6. Update on Planning Enforcement issues at Larkey Wood, Chartham**

*(Item 10)*

(1) The Head of Planning Applications Group reported on planning enforcement issues at Larkey Wood Farm, Chartham. Since the previous meeting of the Committee, the alleged contravenor had been convicted for firearm offences and had been sentenced in absentia to 12 months in prison.

(2) The Head of Planning Applications Group reported that it was likely that the site would be repossessed and that there were grounds for optimism that it would be fully restored if this were to occur. She therefore outlined an enforcement strategy which the Committee agreed.

(3) RESOLVED that the enforcement strategy outlined in paragraphs 5 to 16 of the report be endorsed.

#### **7. Update on Planning Enforcement issues at Thirwell Farm, Hernhill**

*(Item 11)*

(1) The Head of Planning Applications Group reported on planning enforcement issues at Thirwell Farm, Hernhill. The site and its surroundings were now severely damaged. The land had been raised uncontrollably, adversely affecting the land drainage profile. The adjoining public footpath had been obstructed and a marked visual impact had been caused to the local landscape. She therefore recommended an enforcement strategy which the Committee agreed.

(2) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 5 to 10 of the report.

#### **8. Update on Planning Enforcement issues at Barnsfield Park, Ash**

*(Item 12)*

(1) The Head of Planning Applications Group reported on planning enforcement issues at Barnsfield Park, Ash, Sevenoaks. The report concerned waste depositing issues on the sides of the access road and, more seriously, on the rear paddock of the KCC Managed Gypsy and Travellers site at Ash, Sevenoaks. The waste had also been set alight causing general Environmental Health issues for the area from smoke and acrid fumes as well as health and safety concerns for the residents.

(2) The Committee agreed the enforcement strategy proposed by the Head of Planning Applications Group and expressed its appreciation of the work of both the Planning Enforcement Team and the Gypsy and Traveller Unit in the very trying circumstances of this case.

- (3) RESOLVED that endorsement be given to the enforcement strategy outlined on paragraphs 3 to 20 of the report.

## **9. Update on Planning Enforcement Issues at Greenbridge Park, Vauxhall Road, Canterbury**

*(Item 13)*

(1) The Head of Planning Applications Group reported on planning enforcement issues at Greenbridge Park, Vauxhall Road, Canterbury, which had seen the commencement of flytipping and burning on land in KCC's ownership just outside the boundary of a Gypsy and Traveller site. She asked for the Committee's support for an on-going commitment to keep such activities at bay and to achieve a robust solution to the problem.

- (2) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 3 to 12 of the report.

## **10. Update on Planning Enforcement issues at Astley Avenue, Dover**

*(Item 14)*

(1) Mr G Cowan informed the Committee that he knew the alleged contravenor who was a fellow Member of Dover TC. This did not constitute a close personal relationship and he was able to consider this matter with an open mind.

(2) The Head of Planning Applications Group reported on planning enforcement issues Astley Avenue, Dover. The site comprised land in the open countryside which was clearly visible from Roman Road, Dover. A large stockpile of waste materials had been imported and stored on the land without the benefit of planning permission.

- (3) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 4 to 14 of the report.