

Report by Head of Planning Applications Group to the Regulation Committee on 27th January 2015.

Summary: Update for Members on planning enforcement matters.

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

Unrestricted

Introduction

1. This report provides an update on planning enforcement and monitoring work carried out by the Planning Applications Group since the 2nd September 2014 Regulation Committee Meeting.
2. Three summary schedules of all current cases would normally be appended to this report. Schedule 1 covering alleged (part) unauthorised breaches of planning control; Schedule 2, permitted Minerals and Waste sites and Schedule 3 on County Council Developments.
3. However, in the light of the new Regulations concerning third party recording of Committee proceedings, a new format is being adopted, following the views of Committee. A cross-party meeting chaired by Mr Mike Harrison, the Committee Chairman agreed on health and safety grounds that the unauthorised sites should be considered as exempt business. The other reason was to avoid sharing in advance publically the County Council's enforcement strategy that it might later rely upon in legal proceedings. Alleged breaches on permitted Minerals and Waste sites and on County Council Developments, along with this report would continue to be considered in open business.
4. To reflect this new arrangement, Schedule 1 will now cover permitted Minerals and Waste sites and Schedule 2, County Council Developments. Both will appear in the open (white) papers. For ease of referencing and continuity, the unauthorised cases will now be listed under Schedule 3 but their content taken as exempt items. For this Committee please note that there are no cases for the new Schedules 1 and 2, save for a case that is referred to in the text below. However, a list of the cases covered in Schedule 3 is given in paragraph 8 of this report.

Report Format

5. The report will otherwise follow its established format, equipping Members with the essential facts of a series of cases, varying in their degree of complexity and challenge. The following sub-divisions may also be called upon as required:
 - Achievements / successes [including measurable progress on existing sites]
 - New cases, especially those requiring Member endorsement for action
 - Significant on-going cases
 - Other cases / issues of interest and requests by Members

6. Members may wish to have verbal updates at Committee on particular sites from the schedules, (ideally with prior notice) or reports returned to the next Meeting. The report continues to give details of general site monitoring and progress on statutory chargeable monitoring for minerals development.
7. On this occasion, no alleged breaches on permitted sites have arisen (nor are there any existing cases that require reporting) apart from Unit 4 Apex, in Gravesend which is covered in the main body of this report, under paragraph 13.
8. The list of cases covered under Schedule 3 attached to the Item 10 exempt report of these papers includes:

- **Wyecycle Ltd**, Naccolt Brickworks. Wye, Ashford.
- **Larkey Wood Farm**, Chartham.
- **Mount Pleasant Farm**, Seasalter Lane Yorkletts, Whitstable.
- **Lancebox Ltd**, Plot 14, Manor Way, Swanscombe.
- **Court Wood House**, New Barn Road, Longfield.
- **Nt Rix Scaffolding Ltd**, Astley Avenue, Dover.
- **Plant Hire Solutions**, Camp Site, Back Lane, West Hougham.
- **Kiln Wood**, Lenham.
- **Warren Court Farm**, Knockholt Road, Halstead.
- **Woodgers Wharf**, Horsham Lane, Upchurch.
- **Thirwell Farm**, Drove Lane Hernehill.
- **Top Bungalow**, Frieszley Lane, Cranbrook.

Meeting Enforcement Objectives

Themes

9. The main themes of this report continue to be, flexibility of work style and further integration of services, both inside and outside of the County Council. I reported at the last Meeting on closer internal links within the Environment, Planning and Enforcement (EPE) Division, including: Village Greens, Public Rights of Way, Community Wardens, Trading Standards and the Gypsy & Travellers Unit. Principal external links are District

Planning / Enforcement Officers, Environment Agency Teams and Kent Police. A great deal of effort is being made to ensure that we synchronise as far as possible with allied enforcement bodies. On one hand, this allows a pooling of staff, expertise and powers in difficult and challenging cases. On the other hand, the determined and united front that it presents can amount to a powerful restraining force in its own right.

Staffing

10. I reported to the last Meeting on the retirement of the former Senior Planning Enforcement Officer. I have not currently sought a 'like-for-like' replacement. Instead, I am continuing the service through the internal transfer of an officer with allied enforcement experience and some specialist skills. To support this approach, new networking opportunities are being sought with other regulatory bodies, connecting us to wider enforcement resources. These include District Council Planning Enforcement Officers, Environment Agency Inspectors / Crime Team officers and Kent Police. However, links are also being made to the investigative and enforcement arms of official bodies such as the Inland Revenue. Alleged avoidance of landfill tax is a serious offence and as an example, could well offer a further avenue of challenge in some of our more serious waste-related cases.

Other initiatives

11. Along with access in a team context to a wider range of enforcement powers, closer ties, both internally and externally could bring further benefits. Within EPE Division for instance, discussions have already taken place with the Waste Management and Public Protection Groups over the potential use of: 'Smart Water' as an invisible trace along lines of alleged criminality (e.g. as a transfer marker for unauthorised waste materials); information yields from the National Anti-Fraud Network (NAFN) and Company House financial profiling and DVLA vehicle registration searches.

Achievements / Successes

12. There are three achievements of note to report since the last Meeting:

- **Larkey Wood Farm, Chartham** – the repossessed site awaits restoration but some scrap metal has already been removed, the wooden residential shack is ready to be demolished following court proceedings and the surplus imported materials that need to leave the site have been very accurately surveyed using a combination of infrared 3 dimensional mapping by drone and test bore drilling. From both of these sources topographical drawings and contours are being produced which once agreed will form the basis for compliance with the County Council's Enforcement Notice.
- **Woodgers Wharf, Upchurch** – although restricted to a 31st October 2014 habitat time window (so as to avoid disturbing wintering birds), between a half and two thirds of the very substantial stockpile of concrete beams at the site has been spliced and reduced to rubble. The remainder of the on-site solution to this long-standing contravention will resume in the early spring.

- **Top Bungalow, Cranbrook** – no further importation has taken place of building materials, small items of plant & machinery, wooden planks and so on. This eclectic mix of materials and items was found strewn about the site. However, a monitoring and supervision plan which is being carried out by KCC's and Tunbridge Wells Borough Council's Planning Enforcement Teams and the EA, has led to a turnaround on site. The owner / occupier has responded well to realistic and practical site clearance targets and from simple encouragement. I am confident that if current progress continues, the land will be reinstated within a reasonable time frame and without the need for any formal action.

New Cases, especially those requiring action / Member support

13. **Unit 4 Apex Business Park, Gravesend. DH12 3HU (Member: Bryan Sweetland)** – a complaint concerning this permitted waste transfer and recycling activity revealed that the existing covered building on site was being demolished in apparent favour of a larger waste management hall. This was already under investigation by Gravesham Borough Council's Building Control section and the Environment Agency, given waste handling in the open. There were also alleged breaches of the planning permission. A Planning Contravention Notice was drafted but before being sent, a retrospective planning application for the revised building was received. This submission reflects planning enforcement good practice and the application is currently being processed. I shall keep Members informed.

Significant on-going cases

14. I give advice and progress on a number of significant on-going cases in Schedule 3.

Other cases / issues of interest and requests from Members

15. No cases identified on this occasion.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

16. In addition to our general visits to sites as a result of planning application work, we also undertake routine visits to some sites to formally monitor them under the statutory charging scheme. Since the last Regulation Committee, we have made a further 21 chargeable monitoring visits to mineral and waste sites, yielding a related income to the Group. We have also carried out 10 non-chargeable visits.

Resolved or mainly resolved cases requiring monitoring

17. Alongside the chargeable monitoring regime there is a need to maintain a watching brief on resolved or mainly resolved enforcement cases which have the potential to recur. That 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.

Conclusion

18. We have made good progress on a number of particularly difficult cases along with statutory and non-statutory site monitoring. The Planning Enforcement Team continues to work closely with the other regulatory bodies in the County and has made good recent links with new partners that bring additional means of resolving planning breaches. This will allow a more informed, intelligence-led approach, with multi-agency actions drawn from a wider range of powers. Co-ordination and advisory work by the Planning Enforcement Team, is a natural extension to these new working relationships.

Recommendation

19. I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

Case Officers: Robin Gregory

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Background Documents: see heading.