

Update on Planning Enforcement Issues

Report by Head of Planning Applications Group to the Regulation Committee on 15th May 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 27th January 2015 Regulation Committee Meeting.
2. Members will recall that in the light of new Regulations concerning third party recording of Committee proceedings, a new reporting format has been adopted. Alleged unauthorised sites are now considered as exempt business. This helps to protect the content of any planning enforcement strategies being followed. Alleged breaches on permitted Minerals and Waste sites and on County Council Developments, along with this report will continue to be considered in open business.
3. As a reminder, the Schedule 1 list of sites with summary details 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. However, a list of the cases covered in Schedule 3 is given in paragraph 7 of this report.

Report Format

4. The report otherwise follows 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
5. 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.
6. On this occasion, no alleged breaches on permitted sites have arisen (nor are there any existing cases that require reporting).
7. The list of cases covered under Schedule 3 attached to Item 9 (exempt report) of these papers includes:

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- **Larkey Wood Farm**, Chartham
- **Mount Pleasant Farm**, Seasalter Lane Yorkletts, Whitstable.
- **Court Wood House**, New Barn Road, Longfield.
- **Nt Rix Scaffolding Ltd**, Astley Avenue, Dover.
- **Plant Hire Solutions**, Camp Site, Back Lane, West Hougham.
- **Warren Court Farm**, Knockholt Road, Halstead.
- **Woodgers Wharf**, Horsham Lane, Upchurch.
- **Thirwell Farm**, Drove Lane Hernehill
- **'Pit Stop Café'** site, near Lychgate Services, Dargate
- **Top Bungalow**, Frieszley Lane, Cranbrook.

Meeting Enforcement Objectives

Themes

8. The main themes of this report continue to be, further integration of services, both inside and outside of the County Council and a flexible working style drawing on the resources of other regulators. I have previously reported on the forging of closer internal links between the Planning Enforcement Team and (among others): Public Rights of Way, Trading Standards, Waste Management and the Gypsy & Travellers Unit. Principal external links are District Planning / Enforcement Officers, Environment Agency (EA) Teams (Waste Crime and Technical) and Kent Police.
9. Continuing efforts are being made to ensure that we synchronise as far as possible with allied enforcement partners. This allows for a concentration of staff, expertise and powers when facing the more demanding cases. Presenting a united front is also vital in signalling a serious intent towards alleged contraveners. It also helps to reassure the public that the required resources are being put to the task. In particular, it allows for more comprehensive evidence to be taken for use on a team basis in court. Having all relevant regulatory bodies to hand is also of assistance to the courts, increasing the chances of a successful outcome and deterrent sentencing.
10. Operationally there have been closer links and I am also pleased to report that the EA have instigated and hosted a peer group meeting (at their Allington Offices) with our planning enforcement counterparts from Surrey and East and West Sussex. It was useful to know that each of these Home Counties have very similar (largely) waste-related problems. There was an affinity among those attending and recognition that more help and advice needs to be given to district councils, in this vexed area of planning. It is intended that waste issue awareness training will be offered and good practice guides

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produced. Reporting sheets with key information prompts will also be distributed, so that Planning Enforcement teams at County level have what they need to pursue cases more quickly. Collaborative working of this kind will help to prevent construction spoil and soils from going 'astray' and early intervention if they do.

Enforcement capacity

11. The networking of available resources across the public sector (including Government Offices such as the Inland Revenue) offers the possibility of greater enforcement capacity and an improved early warning system. Whilst waste-related contraventions are our main line of pursuit, the worst of the sites we come across also tend to be engaged in more general criminal activities. Bringing a more rounded response, especially involving the police, allows this range of activities to be more fully challenged. The County Planning Enforcement team is playing an increasing role in promoting this level of co-ordination.

Achievements / Successes

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

- **Woodgers Wharf, Upchurch** – the very substantial stockpile of concrete beams at the site has now been spliced and reduced to rubble. The material has been incorporated into the ground as a base for any later surface use, subject to planning permission from Swale Borough Council. A decision needs to be made on whether some residual steel reinforcing bars (unable to be sold as scrap) can remain along two perimeter site boundaries. The bars are currently shaped into site security barriers. I am comfortable with this as an inventive solution to a practical problem. Nevertheless, Natural England, the County Ecologist and the Environment Agency will need to accept retention of this material on nature conservation grounds before agreement can be reached on compliance with KCC's confirmed Enforcement Notice on site.
- **Top Bungalow, Cranbrook** – no further importation has taken place of building materials, small items of plant & machinery, wooden and so forth. 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 to comply. 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. None to report on this occasion.

Significant on-going cases

14. I give advice and progress on a number of significant on-going cases in Schedule 3 of Item 9.

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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 14 chargeable monitoring visits to mineral and waste sites, yielding a related income to the Group. We have also carried out 9 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. 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.

Conclusion

18. The Planning Enforcement Team continues to seek more and stronger regulatory links with allied bodies. A recent and welcome addition is at the County Council strategic level. The EA have agreed to host tri-annual meetings of Surrey, East and West Sussex County Council at their Allington Offices. Trends and patterns of largely waste-related contraventions are able now to be analysed between us. This joining together of specialist planning enforcement expertise could develop in its own right into a potent regulatory force. It should also help to underpin our own more intelligence-led approach to tackling strategic level contraventions within Kent and any cross-County activities.

Recommendation

19. I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

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Background Documents: see heading.