

KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Friday, 15 May 2015.

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

IN ATTENDANCE: Mr S Bagshaw (Head of Fair Access), 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 (Team Leader - Planning Enforcement), Ms J Hamid (Enforcement Administration Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

9. Minutes (Item 3)

RESOLVED that the Minutes of the meetings of the Committee held on 27 January 2015, the Mental Health Guardianship Sub-Committee held on 28 January 2015 and the Member Panel held on 3 March 2015 are correctly recorded and that they be signed by the Chairman.

10. Home to Schools Transport Update (Item 4)

(1) The Democratic Services Manager provided an overview of Home to School Transport appeal statistics for the period between 1 January 2015 and 30 April 2015, giving a brief comparison with transport appeal statistics in the years 2010 to 2014. He explained that one of the reasons for the recent increase in upheld appeals was that there had been a number of reviews of previously-upheld appeals, and that a high proportion of these tended to be confirmed.

(2) RESOLVED that the report be noted.

11. Update from the Commons Registration Team (Item 5)

(1) The Public Rights of Way and Commons Registration Officer reported on progress with Village Green applications. She explained the implications of the Supreme Court's decision in respect of the Newhaven West Beach Village Green application, particularly as it related to the issue of "statutory incompatibility".

(2) RESOLVED that the report be noted and that the Commons Registration Team be congratulated for reducing the number of outstanding cases.

12. Update on Planning Enforcement Issues
(Item 6)

(1) The Head of Planning Applications Group gave an overview of planning enforcement matters since the last meeting of the Committee. She explained that a recent High Court case had confirmed that planning enforcement responsibility in “mixed use” cases needed to be undertaken at District level. It was intended to produce good practice guides in order to assist joint working between the various partners in this area of work.

(2) RESOLVED that the actions taken or contemplated in the report be endorsed.

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.)

13. Update on Planning Enforcement issues *(Item 9)*

(1) The Team Leader – Planning Enforcement gave an update on unauthorised planning enforcement matters, setting out the actions taken or contemplated in respect of a number of sites. These were Mount Pleasant Farm, Yorkletts, Whitstable; Court Wood House, Longfield; Nt Rix Scaffolding Ltd, Dover; Plant Hire Solutions Camp Site, West Hougham; DWP Recycling, Halstead; Woodgers Wharf, Upchurch; Pit Stop Café, Dargate; and Top Bungalow, Cranbrook.

(2) During discussion of this item, the Team Leader was asked to give consideration to the possibility of meeting respective Local Members at Nt Rix Scaffolding Ltd, Dover and Woodgers Wharf, Upchurch.

(3) During discussion of this item, the Committee expressed its concern over the alleged uncontrolled importation of materials and high perimeter earth mounding at land adjoining Pit Stop Café in Dargate. It therefore agreed the course of action set out in (4) (b) below.

(4) RESOLVED that:-

- (a) endorsement be given to the enforcement strategy outlined in paragraphs 3 to 9 and Appendix 1 of the report; and
- (b) the Chairman of the Regulation Committee be requested to write to the Environment Agency and the Leader and Chief Executive of Swale Borough Council to draw attention to the urgency of resolving the unauthorised activities at land adjoining Pit Stop Café, Dargate, Faversham and to the need for the regulatory parties to work together (within their powers) to secure the cessation of unauthorised activities at the site and appropriate restoration. This correspondence will be shared with Hernhill Parish Council and the local press.

14. Update on Planning Enforcement issues at Larkey Wood, Chartham *(Item 10)*

(1) The Team Leader – Planning Enforcement reported on developments at the Larkey Wood Farm site in Chartham and set out the enforcement strategy being followed.

(2) In discussion of this item, a number of Members expressed concern that the proposed housing for restoration scheme might be viewed as the new landowner

benefitting from an unfortunate site history and earlier unauthorised actions. It was agreed that this outcome should in no way be seen as a precedent for other cases.

(3) On being put to the vote, the enforcement strategy was endorsed by 13 votes to 1 with 1 abstention.

(4) RESOLVED that subject to (2) above, endorsement be given to the enforcement strategy outlined in paragraphs 6 to 16 of the report.

15. Update on Planning Enforcement Issues at Thirwell Farm, Hernhill
(Item 11)

(1) The Team Leader – Planning Enforcement reported on developments at Thirwell Farm in Hernhill. This set out the case history, recent actions and a package of proposed actions.

(2) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 4 to 11 of the report.