

## **Update on Planning Enforcement Issues**

## **Item 8**

Report by Head of Planning Applications Group to the Regulation Committee on 1st September 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 15<sup>th</sup> May 2015 Regulation Committee Meeting.
2. As part of the new reporting format, 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. The Schedule 1 list of sites covers summary details for 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 are now listed under Schedule 3 but their content taken as exempt items. For this Committee please note that there are no cases for the revised 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.
- **Warren Court Farm**, Knockholt Road, Halstead.
- **Thirwell Farm**, Drove Lane Hernehill
- **Woodgers Wharf**, Horsham Lane, Upchurch.
- **'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. Ever closer links are being formed internally between the Planning Enforcement Team and (among others): Public Rights of Way, Trading Standards, Waste Management and the Gypsy & Travellers Unit. External links include 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 maintain such links and synchronise actions with our enforcement partners. This pooling of staff, expertise and powers creates a strong united base as applied equally to smaller and larger cases. The public need to know that the most effective team is being put to the task. A common evidence base is also of use in seeking multiple prosecutions. Having all relevant regulatory bodies to hand is of assistance to the courts and usually increases the chances of a successful outcome and deterrent sentencing.
10. At a strategic level, the EA have hosted a further peer group meeting (at their Allington Offices) with our planning enforcement counterparts from Surrey and East and West Sussex. Understanding the cross-border nature of some alleged waste management contraventions has proved useful in tracking patterns of activity. Similar problems tend to occur within the Home Counties and successful enforcement techniques are already being shared. A presentation giving waste issue awareness training (principally for District Councils) is being produced among the County Officers, along with good practice guides. Reporting 'prompt' sheets are another idea, along with ways in our respective Counties to have early warning systems for construction spoil and soils going to unauthorised locations. Data bases and close-communication networks are important tools in the planning enforcement armoury.

### *Enforcement capacity*

11. The networking of available resources across the public sector (including Government Offices such as the Inland Revenue and the Financial Services Authority (FSA)) offers greater enforcement capacity. Waste-related contraventions occupy us the most. Most of the sites form part of a more general and alleged criminal hub. They regularly attract the interest of the police as well as other regulatory bodies. Joining forces with all parties allows for a wider range of actions. 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 been reduced to rubble and formed into a ground level base. Residual steel reinforcing bars (unable to be sold as scrap) has been accepted on nature conservation grounds to be retained along two perimeter site boundaries. The bars have been shaped into site security barriers. Compliance has now been reached with KCC's confirmed Enforcement Notice on the site.
- **Top Bungalow, Cranbrook** – no further importation has taken place of building materials, small items of plant & machinery, wooden and so forth. A monitoring and supervision plan is still in action. KCC's and Tunbridge Wells Borough Council's Planning Enforcement Teams and the EA, has negotiated a pleasing turnaround on the site. The emphasis now is in confirming what has been done rather than dwelling on what still needs to be done. 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. There is one case to report:

- **New Tunstall CE Primary School, Tunstall, Sittingbourne** - Several alleged planning contraventions relating to the current construction of a new primary school on land at Tunstall, Sittingbourne, and the earlier planning application process, have been received in recent weeks. These complaints have been investigated but have not been pursued further, on the basis that they related to aspects either outside of planning control (in some cases covered by other Legislation) or are minor infringements where it would not be expedient to pursue enforcement action. The first line of defence against infringements of planning control is to seek remedy through negotiation with the landowner or developer, and officers in KCC Property Group are continuing to monitor the situation through their supervision of the contract for this construction project.

### **Significant on-going cases**

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

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Item 11 of these papers.

### **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 23 chargeable monitoring visits to mineral and waste sites, yielding a related income to the Group. We have also carried out a further non-chargeable visit.

#### **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 is continuing to take a leading role in bringing together regulatory teams in the public interest. These occur internally and with the Kent Districts, other County Councils, the EA and the police. Trends and patterns of largely waste-related contraventions are being increasingly understood and acted upon in an intelligence-led way. The challenge mounted by multi-disciplinary teams is nearly always greater than the sum of its parts. It also helps to allow for an intelligent sharing of workloads and usually offers greater reassurance to the public in the fight against a wide range of environmental crime.

### **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.	