

## 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, 1 September 2015.

PRESENT: Mr A H T Bowles (Chairman) Mr S C Manion (Vice-Chairman)  
Mr H Birkby, Mr D L Brazier (Substitute for Mr P J Homewood), Mr L Burgess,  
Mr G Cowan, Mr A D Crowther, Mr J A Davies, Mr T Gates, Mr P M Harman,  
Mr T A Maddison, Mr J M Ozog, Mr C Simkins and Mr J N Wedgbury

IN ATTENDANCE: Mr S Bagshaw (Head of Fair Access), Mr A Ballard (Senior Democratic Services Officer), Mr G Rusling (Public Rights of Way & Access Service Manager), Mrs S Thompson (Head of Planning Applications Group), Mr R Gregory (Team Leader - Planning Enforcement) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

**18. Membership**  
*(Item 1)*

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

**19. Minutes**  
*(Item 4)*

RESOLVED that the Minutes of the meetings of the Committee held on 15 May 2015 and 16 July 2015 and of the Member Panel held on 19 May 2015 are correctly recorded and that they be signed by the Chairman.

**20. Dates of meetings in 2016**  
*(Item 5)*

The Committee noted the following dates for its meetings in 2016:-

Tuesday, 26 January 2016;  
Tuesday, 3 May 2016; and  
Tuesday, 13 September 2016.

**21. Home to School Transport Update**  
*(Item 6)*

(1) The Senior Democratic Services Officer provided an overview of Home to School transport appeal statistics for the period between 1 January 2015 and 5 August 2015, giving a brief comparison with transport statistics from 2010 to 2014.

(2) Members of the Committee asked whether legal advice could be sought on the possibility of the County Council being recompensed by Government Departments

when appeals were upheld as a consequence of the Equalities Act. The Chairman agreed that this question would be considered at the next meeting together with the possibility of asking parents to make a contribution to the cost of transport in certain circumstances when their appeals were upheld.

(3) The Committee also agreed that a training session on Home to School Transport would be provided for Members.

(4) RESOLVED that:-

- (a) the report be noted;
- (b) a training session on Home to School Transport be arranged; and
- (c) a report be presented to the next meeting of the Committee on the legal advice received on the questions set out in (2) above and, if appropriate, recommending a course of action in the light of that advice.

## **22. Update on Rights of Way and Village Green Issues** (Item 7)

(1) The two Appendices referred to in the report had been circulated to all Members of the Committee prior to the meeting.

(2) The Public Rights of Way and Access Manager reported on progress in respect of applications under section 53 of the Wildlife and Countryside Act 1981, Village Green applications and Gating Orders. He also provided a legislative update in respect of the changes brought about by the Growth and Infrastructure Act 2013.

(3) The Committee agreed the recommendation to approve the continued operation of the Gating Orders at Henley Fields in Ashford and at St Mary's Church Yard in Ashford.

(4) RESOLVED that:-

- (a) the report be noted; and
- (b) approval be given to the continued operation of the Gating Orders at Henley Fields and St Mary's Church Yard in Ashford.

## **23. Update on Planning Enforcement issues** (Item 8)

(1) The Head of Planning Applications Group gave an overview of planning enforcement matters since the last meeting of the Committee. She reported on the strengthening of the links being forged both inside and outside KCC in respect of planning enforcement and on the positive developments at Woodgers Wharf, Upchurch and Top Bungalow, Cranbrook.

(2) The Head of Planning Applications Group detailed the alleged planning contraventions relating to the construction of a new primary school at Tunstall. She informed the Committee that these complaints had all been investigated but that no enforcement action was being contemplated as the complaints either related to matters outside of planning control or to minor infringements where enforcement action would not be expedient. The Planning Applications Group would continue to monitor the situation. Following discussions with the developer, it had been agreed that a more visually attractive kerbing solution would be implemented (although this was not a condition of the planning permission).

(3) The Head of Planning Applications Group agreed to circulate the new Guidance on the Metropolitan Green Belt to all Members of the Committee.

(4) 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.)*

#### **24. Update on Planning Enforcement issues** *(Item 11)*

(1) The Team Leader – Planning Enforcement gave an update on unauthorised planning enforcement matters, setting out actions taken or contemplated in respect of a number of sites. These were Mount Pleasant Farm, Yorkletts; Court Wood House, Longfield; Nt Rix Scaffolding Ltd, Dover; Warren Court Farm, Halstead; Woodgers Wharf, Upchurch; and Top Bungalow, Cranbrook.

(2) The Committee authorised the Head of Planning Applications Group to take any necessary legal action to prevent contravention on the Mount Pleasant Farm, Yorkletts site.

(3) RESOLVED that, subject to (2) above, approval be given to the enforcement strategies outlined in paragraphs 3 to 7 of the report and in Schedule 3 of Appendix 1 of the report.

#### **25. Update on Planning Enforcement issues at Larkey Wood, Chartham** *(Item 12)*

(1) The Team Leader – Planning Enforcement reported on developments at the Larkey Wood site in Chartham and set out the enforcement strategy being followed. He informed the Committee of a proposed development package on the site which was to be considered by Canterbury CC's Planning Committee on 15 September 2015. He agreed to send a copy of Canterbury CC's Planning Committee report to the Chairman and the Local County Member.

(2) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 6 to 17 of the report.

#### **26. Update on Planning Enforcement issues at Thirwell Farm, Hernhill** *(Item 13)*

(1) The Team Leader – Planning Enforcement reported on developments at Thirwell Farm in Hernhill. This included a multi-layered enforcement strategy to counter the sophisticated nature of the contraventions that were occurring which had at this stage resulted in an apparent reduction in inputs to the site.

(2) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 4 to 10 of the report.

#### **27. Update on Planning Enforcement issues at Pit Stop Cafe, Dargate** *(Item 14)*

- (1) The Team Leader – Planning Enforcement updated the Committee on Planning Enforcement issues at land adjoining Pit Stop Café in Dargate, including the potential for the illegal importation of materials to accentuate runoff and place stress on the current drainage arrangements. An Environment Agency Waste Removal Notice had stopped further importation.
- (2) During discussion of this item, Members urged that whenever in future Highways land was sold off, the sale should be accompanied by covenants and/or conditions specifically preventing activity of the nature seen at this site.
- (3) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 4 to 10 of the report.