

Update on Planning Enforcement Issues

Item 6

Report by Head of Planning Applications Group to the Regulation Committee on 26th January 2016.

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 1st September 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. This report summarises alleged unauthorised activity and is supported by a schedule which is exempt. However, a list of the cases covered in the schedule is given in paragraph 6 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. The list of cases covered under the schedule, attached to Item 9 (exempt report) of these papers includes:
 - **Larkey Wood Farm**, Chartham
 - **Mount Pleasant Farm**, Seasalter Lane Yorkletts, Whitstable.
 - **Nt Rix Scaffolding Ltd**, Astley Avenue, Dover.

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- **Plant Hire Solutions, Camp Site**, Back Lane, West Hougham
- **RS Skips Ltd**, Unit 4, Apex Business Park, Queens Farm Road, Gravesend
- **Housing development**, north end of Well Street, Loose
- **Thirwell Farm**, Drove Lane Hernhill
- **'Pit Stop Café'** site, near Lychgate Services, Dargate
- **Persimmon housing development**, Coleshall Farm, Sheppey Way, Iwade
- **Westdene**, Whetsted Road, Five Oak Green, Tonbridge
- **Top Bungalow**, Frieszley Lane, Cranbrook.

Meeting Enforcement Objectives

Themes

7. 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 and co-ordinating closely with them. 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 the Kent Police Rural Liaison Team.
8. Energy and commitment is being invested in maintaining such links, particularly given the benefits of extra resourcing and the sharing of regulatory workloads. Independent enforcement efforts among our regulatory partners may be synchronised into more complete and effective actions, in the public interest. This approach is proving effective and is helping to reassure the public that an appropriate level of response is being made to planning or related contraventions. It also provides a number of alternative contact points. Success depends however on the reliable flow of information within the coordinated team.
9. At a strategic level, the EA have hosted additional peer group meetings (at their Allington Offices) with our planning enforcement counterparts from Surrey and East and West Sussex. 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 prepared within the group, along with good practice guides. Early warning systems are also being worked upon to help prevent construction spoil and soils going to unauthorised locations. We have formerly tried an early prototype system of development spoil management within Kent. The outline of a modern version is a future project under consideration.
Enforcement capacity
10. The networking of available resources across the public sector (including Government

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Offices such as the Inland Revenue and the Financial Conduct Authority (FCA) offers additional enforcement capacity and capability. Most of the (generally waste-related) sites that we come across allegedly form part of a more expansive criminal hub, regularly attracting the interest of the police as well as other regulatory bodies. The County Planning Enforcement team is playing an increasing role in promoting this level of co-ordination and in uncovering the connections between sites, including their apparent support networks.

Achievements / Successes

11. The two key achievements since the last Meeting from a planning enforcement perspective are:

- **Larkey Wood, Chartham** – both the original and second ‘displacement’ site for the alleged contraveners have now been vacated. Full restoration for both sites has also been secured within the housing development scheme, granted planning permission by Canterbury City Council. On-going waste-related contraventions, alleged crimes and social control issues, including fear of intimidation from using adjoining public rights of way and other informal leisure facilities have been in large measure resolved. All of these positive enforcement outcomes have been achieved at minimal cost to the County Council, Canterbury City Council and the Environment Agency. County Fire & Rescue and the police will also be able to divert resources from the two sites, to other locations. In fact, the eviction, security and restoration costs are all being absorbed by the private developer.
- **St Lawrence CEP School, Stone Street, Seal, Sevenoaks** – In August 2015 during construction work for a new classroom including cloakroom, toilets and link to existing school entrance hall under planning permission application reference SE/14/3963, the agent informed the County Council that there had been an error resulting in the building works encroaching on publically maintainable highway which was also unregistered land.
- As a result of this a new planning application was made (reference SE/15/3349) for revisions to the approved design for the demolition of the mobile classroom and the construction of a new reception classroom, sheltered play area and toilet facilities, including realignment of the western boundary wall and regularisation of the repositioning of the building. This was granted on 27th November 2015 and regularises the breach. The construction work is nearing completion and the planning issues arising from the error have been resolved. As the encroachment is on publically maintainable highway the permission is subject to an informative advising that the decision does not give approval for the stopping up of the highway as that is a separate legal process. The Agent is in discussion with the Highways Authority with regard to this.

New Cases, especially those requiring action / Member support

12. There are no substantive new cases requiring particular Member attention under this section.

Significant on-going cases

13. I give advice and progress on a number of significant on-going cases in the schedule attached to Item 9 of these papers.

Other cases / issues of interest and requests from Members

14. No cases identified on this occasion.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

15. 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 monitoring charging scheme. Since the last Regulation Committee, we have made a further 23 chargeable and 12 non-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

16. 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 reoccur. 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

17. The Planning Enforcement Team is continuing to take a leading role in bringing together regulatory teams in the public interest. Also, to develop shared enforcement solutions. This enhanced way of working is showing good results at the small and larger scale. What may account for the effectiveness of this approach is that individual contravening sites are often connected to similar outlets across a self-supporting network. In tackling individual sites, regulatory teams will invariably also intersect the supporting network too. Anticipating this set of relationships and intervening in an intelligence-led way is becoming increasingly important, given the level of sophistication and challenge, particularly in the larger and more complex cases.

Recommendation

18. I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

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Background Documents: see heading.