

## Update on Planning Enforcement Issues

## Item 6

Report by Head of Planning Applications Group to the Regulation Committee on 24<sup>th</sup> January 2017.

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 13<sup>th</sup> September 2016 Regulation Committee Meeting.
2. As part of the reporting format, alleged unauthorised sites are 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. 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:
  - **Ashford Waste Water Treatment Works**, Canterbury Road, Bybrook, Ashford
  - **Larkey Wood**, Chartham
  - **Dartford Technology College**, Heath Lane, Dartford
  - **Land adjoining Long Hill playing field**, Romans Road, Dover.

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- **Aylesham Road, bridleway**, Dover
- **Reserved land to protect highway widening corridor**, Downs Road, Studdal
- **RS Skips Ltd**, Unit 4, Apex Business Park, Queens Farm Road, Gravesend
- **Malling Wood**, Bell Lane, Boxley.
- **Longton Wood**, Stockbury Valley
- **Water Lane / Moat Road**, Headcorn
- **Land at Crockenhill**, Sevenoaks
- **'Pit Stop Café'** site, near Lychgate Services, Dargate
- **Thirwell Farm**, Drove Lane Hernhill
- **Willow Farm Equestrian Centre**, Hanslett Lane, Faversham
- **Land adjoining, White Leaf Riding Stables**, Teynham
- **Homestall Road**, Newnham
- **Spratling Court Farm**, Spratling Street, Manston
- **Stone Bay School**, Stone Road, Broadstairs

### **Meeting Enforcement Objectives**

#### *Themes*

7. The County Council's Planning Enforcement team is continuing to work in a partnership way with other regulatory bodies. We are seeking to share challenging enforcement workloads spanning across the planning field and allied legislation. To reinforce this approach, new enforcement partners are being added in an innovative way, especially from the commercial enforcement sector (e.g. HMRC and Trading Standards). This allows tighter scrutiny of contraventions and potentially a wider range of sanctions. These represent additional and supporting avenues of enforcement. All embracing contraventions require an all embracing response.
8. This wider collaboration is also important in fulfilling a duty to co-operate among such bodies and for the County Council to report any commercial or financial irregularities that it may come across. We are connected to NAFN – the National Anti-Fraud Network and are able to use that channel to report any suspicious activity to the relevant authorities. Alleged evasion of landfill tax would be an example.

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### *Enforcement capacity*

9. Enforcement capacity derives in large part from the networking of available resources across the public sector. Each partner authority has its own challenges in terms of staffing, funding and skills capacity. This reinforces the need for tight collaboration and efficient targeting of resources, ideally in a shared and intelligence-led way.

### **Achievements / Successes**

10. Larkey Wood, Chartham is our most recent achievement. Restoration is close to completion, following meetings with officers to agree the final levels. Members will recall that restoration of the original and 'overspill' sites have been secured within the housing development scheme, granted planning permission by Canterbury City Council. All relevant costs have been absorbed by the private developer.

### **New Cases, especially those requiring action / Member support**

11. I have pointed to a number of recent and substantive cases within the schedule attached to Item 9 of these papers requiring Members attention.

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

12. I have given advice and progress on a number of significant on-going cases, again in the schedule attached to Item 9 of these papers.

### **Other cases / issues of interest and requests from Members**

13. No cases identified on this occasion.

### **Monitoring**

#### **Monitoring of permitted sites and update on chargeable monitoring**

14. In addition to our general visits to sites as a result of planning application work, we also undertake routine visits to sites to formally monitor them under the statutory monitoring charging scheme. Since the last Regulation Committee, we have made a further 16 chargeable monitoring visits to mineral and waste sites, yielding a related income to the Group.

#### **Resolved or mainly resolved cases requiring monitoring**

15. 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. In this instance, there are no cases to report back.

### **Conclusion**

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16. The County Planning Enforcement Team is facing a constant flow of cases. We are advising on some, intervening on others and working within collaborative teams on the remainder. We are finding that many planning contraventions on sites are one aspect of a wider set of breaches, ranging across other legislation. Being aware of this, we are seeking innovative ways to respond. This includes connections and evidence to financial regulatory bodies such as HMRC (Her Majesty's Revenue and Customs). Such waste crime (within wider activity circles) demands in our view, this more complete and sophisticated attention.

### **Recommendation**

17. I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

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Background Documents: see heading.