

Update on Planning Enforcement Issues

Item 5

Report by Head of Planning Applications Group to the Regulation Committee on 23rd January 2018.

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 28th September 2017 Regulation Committee Meeting.
2. As part of the reporting format, alleged unauthorised sites are considered by Members as exempt items, for information purposes, strategy and endorsement. This helps to protect the content of any planning enforcement approaches being taken, which we may subsequently rely upon in court and legal actions.
3. This report summarises alleged unauthorised activity and is supported by a schedule, which is also exempt. However, a list of the cases covered in the schedule is given below under paragraph 7 of this report.

Report Content

4. This report to each Regulation Committee seeks to cover planning enforcement objectives, themes and the patterns of alleged contraventions. This in turn is complemented by information on new and impending legislation and modernising proposals for the development of the service within the overall vision and values of the County Council.
5. The report includes a series of cases which the planning enforcement team are currently investigating or acting upon. These vary in their degree of complexity and challenge.
6. There is also a section on general site and compliance monitoring, incorporating the statutory chargeable element with relation to minerals development and final concluding comments.
7. The list of cases covered under the schedule, attached to Item 8 'Update of Planning Enforcement Cases' (Exempt report) are:
 - **Ashford Waste Water Treatment Works**, Canterbury Road, Bybrook, Ashford
 - **Glebe Farm**, Shadoxhurst
 - **Casa Amica & Ripley's Auto Spares Ltd**, Bilsington, Ashford
 - **Lenham Saw Mills**, Double Quick Farm, Lenham Heath

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- **Dartford Technology College**, Heath Lane, Dartford
- **Wilmington Academy**, Common Lane, Wilmington, Dartford
- **Wentworth Primary School**, Wentworth Drive, Dartford
- **Land adjoining Long Hill playing field**, Romans Road, Dover
- **Reserved land to protect highway widening corridor**, Downs Road, Studdal
- **Land at Stockbury Valley (Longton Wood)**, Detling Maidstone
- **Water Lane / Moat Road**, Headcorn, Maidstone
- **Little Neverend Farm**, Pye Corner, Ulcombe.
- **Thirwell Farm**, Drove Lane, Hernhill
- **Land at Sites A and C**, Oare Creek, Faversham
- **Willow Farm Equestrian Centre**, Hanslett Lane, Faversham
- **Land adjoining White Leaf Riding Stables**, Teynham
- **Three Lakes Caravan Park**, Murston, Sittingbourne
- **Corio Farm, Wateringbury Road**, East Malling
- **Spratling Court Farm**, Spratling Street, Manston

8. The above represents the current case workload of the Planning Enforcement Team but is not exhaustive in terms of advice given to other regulatory authorities and cases investigated, which are ultimately not for this Authority.

Meeting Enforcement Objectives

Background

9. Understandably, there is always a high Member and public expectation for this Authority to act in a proportionate but decisive way against alleged planning breaches.

Operational matters

10. Planning enforcement is a diverse field of work, with cases needing to be dealt with on their own individual merits. Precision is required in making any assessment of alleged contravening activities, against planning policy and guidance. This information in turn has to be based on the facts and degree of cases and in the context of planning and legal judgements. This in turn demands at its core, precise and accurate information and

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measured involvement in cases. Indeed, the research element of the work and filtering of cases, although both largely unseen are of underlying importance and demanding in their own right.

The proliferation of waste crime

11. Waste crime continues to be a prominent feature of our workload and it is apparent that it is increasingly more organised. A key aspect since its introduction in 1996 is the alleged evasion of Landfill Tax. The Government are currently seeking to address the alleged expansive nature of this problem, through new tax measures proposed for introduction on 1st April 2018. Enforcement collaboration with other bodies and the inventive use of existing powers (connected together in different ways) are being urgently devised and worked upon by the Planning Enforcement Team. More detail on this aspect is given within Exempt Item 8 of these papers.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

12. 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. They are useful compliance checks against each operational activity.

Resolved or mainly resolved cases requiring monitoring

13. Alongside the above 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

14. The County Planning Enforcement Team is continuing to service a wide and challenging workload. This in turn needs to be conducted in an effective and cost efficient way. In researching cases and particularly if any action is contemplated, unfailing planning precision is required at all stages. All interventions may be subject to court challenge and this possibility has to be factored into the structure and execution of any action. This in turn however, needs to be balanced against the understandable and urgent expectations of the public and Members for early and decisive action.

Recommendation

15. I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

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Background Documents: see heading.