

Update on Planning Enforcement Issues

Item 5

Report by Head of Planning Applications Group to the Regulation Committee on 23rd May 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 23rd January 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 covers planning enforcement objectives, in response to the nature and 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 current throughput of cases is included, which are those the planning enforcement team are currently engaged in or advising upon. These vary in their degree of complexity and challenge. The level of involvement of the County Council also varies, according to remit and case management among the regulatory bodies.
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
 - **Casa Amica & Ripley's Auto Spares Ltd**, Bilsington, Ashford
 - **Hawthorn Cottages**, May Street, Herne Bay
 - **Wilmington Academy**, Common Lane, Wilmington, Dartford

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- **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 adjoining, Stockham Lane**, off Selsted bends, Selsted.
 - **Fleetmix Ltd**, Aggregate Stockpile, Northfleet, Kent
 - **Former Petrol Station / Car Wash**, London Road, Gravesend.
 - **Land at Stockbury Valley (Longton Wood)**, Detling Maidstone
 - **Water Lane / Moat Road**, Headcorn, Maidstone
 - **Little Neverend Farm**, Pye Corner, Ulcombe
 - **Environment First Ltd**, Lested Farm, Chart Sutton, Maidstone
 - **Thirwell Farm**, Drove Lane, Hernhill
 - **Land at Sites A and C**, Oare Creek, 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. In fact, new procedures are being introduced to ensure that case referrals (in the main from district councils) are made with more accurate reference to the County Council's planning enforcement remit and supported by the necessary information. This will allow for tighter focus on our core strategic duties.

Meeting Enforcement Objectives

Background

9. The reality of planning enforcement is that there is always a high expectation from the public, their representatives and other interested parties for this Authority (or the other regulators) to act in a swift and decisive way against alleged planning breaches. Any

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County Matter action, must be robust and *intra vires* i.e. within the powers and control of the County Council.

Operational matters

10. Planning enforcement is a diverse field of work, with cases needing to be dealt with on their own individual merits. A judgement has to be made in all cases, on the likelihood of planning permission being granted or not. Any formal actions taken or contemplated also have to be proportionate.
11. Significant research is required, to assess and filter cases and to develop enforcement strategies. Reports of contraventions are triaged, along with the seeking out at speed, of precise and relevant information, given the environmental urgency and amenity impacts being caused to local communities. This demands at its core, precise and accurate information and measured involvement in cases, according to remit. Actions outside the County Council's jurisdiction, however well-intentioned or publically supported would be vulnerable to challenge on legal grounds.

The proliferation of waste crime

12. Waste crime continues to be a prominent feature of our workload, along with the Environment Agency. This fact has been recognised by Government in new tax measures, introduced on 1st April 2018. This allows Her Majesty's Revenue and Customs (HMRC) to pursue individuals, companies and their supporting networks for the alleged evasion of Landfill Tax. The County Council's Planning Enforcement Team has long anticipated this move and has been organising, along with collaborating bodies, to ensure its optimum use.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

13. 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

14. 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

15. The County Planning Enforcement workload is continuing at a demanding level. Operational improvements are being introduced to alleviate some of these pressures. This will allow a more responsive and targeted service that has the strategic cases within the Council's remit at its heart. Unfailing precision is required at all times and again, attention is being given to the case briefings received from formal sources. Streamlining this aspect alone will bring important operational benefits. The key to successful planning enforcement is seamless and collaborative working between regulatory authorities. The County Council's specialists in this field encourage such links and advise accordingly, even when cases fall outside our remit.

Recommendation

16. I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

Case Officers: KCC Planning Enforcement

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Background Documents: see heading.