

Update on Planning Enforcement Issues

Item 5

Report by Head of Planning Applications Group to the Regulation Committee on 24th January 2019.

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 26th September 2018 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, leading or advising upon. These vary in their degree of complexity and challenge. The level of involvement of the County Council also varies, according to enforcement jurisdiction 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**, Bilsington, Ashford
 - **Personnel Hygiene Services Ltd**, Kingsnorth Industrial Estate, Ashford
 - **Mount Pleasant Farm**, Seasalter Lane, Yorkletts, Whitstable.

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- **Mount Pleasant House**, Seasalter Lane, Yorkletts, Whitstable
- **Mount Joy**, Coombe Walk, Yorkletts
- **Hawthorn Cottages**, May Street, Herne Bay
- **Wickhambreaux CE Primary School**, The Street, Wickhambreaux, Canterbury
- **Spires Academy**, Bredlands Lane, Sturry, Canterbury
- **Wentworth Primary School**, Wentworth Drive, Dartford
- **Maypole Community Primary School**, Franklin Road, Dartford.
- **Land adjoining Long Hill playing field**, Romans Road, Dover
- **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
- **Three Lakes Caravan Park**, Murston, Sittingbourne
- **Wrotham Quarry**, Addington, West Malling
- **Hermitage Quarry**, Hermitage Lane, Maidstone
- **Kings Hill Primary School**, Crispin Way, Kings Hill, West Malling

8. The above represents the current 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

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Background

9. It is understandable that the public, their representatives and other interested parties will look for comprehensive and decisive action against alleged planning contraveners. Any County Matter action, however, must be robust and *intra vires* i.e. within the powers and control of the County Council. A balance therefore has to be struck between meeting an urgent expectation for action and to ensure that any action taken is expedient, robust and can be successfully sustained through the courts. We often need to access specialist barrister advice on the best way to navigate the increasing complexity of cases and related issues of planning jurisdiction.

Operational matters

10. Operationally, cases need to be thoroughly researched in order to elicit the full and accurate facts. Cases also need to be filtered and triaged, according to likely planning jurisdiction, environmental urgency and amenity impacts being caused to sensitive sites and local communities. A new initiative by KCC Planning Enforcement is in finding ways to bring all interested public regulators on suspected contravening sites at the same time. This offers more focussed and potentially a more cost-effective range of actions to follow. The very presence of a group of enforcement officers tends to have a salutary effect on the alleged contraveners.

The proliferation of waste crime

11. Waste crime continues to be a prominent feature of our workload and the Environment Agency's. The Government is alert to this trend and is bringing forward new powers such as Her Majesty's Revenue and Customs (HMRC) now being able to pursue individuals, companies and their supporting networks for the alleged evasion of Landfill Tax. This may prove to be an important complementary type of action to the County Council's Planning Enforcement powers and those of the Environment Agency.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

12. In addition to our general visits to sites, we also undertake routine visits on permitted sites, to formally monitor them under the statutory monitoring charging scheme. They are useful compliance checks against each operational activity and an early warning of any alleged and developing planning contraventions.

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

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14. The County Planning Enforcement workload continues to be challenging and resource intensive. Alongside this we are offering specialist advice on case strategies and management to allied regulators, especially district authorities. Collaborative working is very important in a context where all enforcement authorities are pressed for resources, in the face of increasingly organised contraveners. We therefore continue to engage in case conferences and multi-agency site inspections on complex cases, which may strictly fall outside our remit, to seek to ensure that local authority resources in the widest sense, are effectively used.

Recommendation

15. 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.