

Report by Head of Planning Applications Group to the Regulation Committee on 24th September 2020.

Summary: Update for Members on planning enforcement matters.

Recommendation: To endorse the actions taken or contemplated on respective cases.

**Unrestricted**

### **Introduction**

1. This report is intended to give an insight into the experience of the County Planning Enforcement service during the lockdown period and up to date. It a reduced version of the normal format, covering the period from 20th January 2020 Regulation Committee Meeting. The 20<sup>th</sup> May 2020 Meeting was cancelled due to the national pandemic.
2. Covid-19 has presented many challenges for the delivery of the enforcement service and is part of the planning service that is most difficult to carry out from home. In mid-March, our place of work was changed (conversely) from office to home, in line with Government and KCC requirements. More accurately, we have been confined to home (with some easing very recently) trying to work. We use video-conferencing, over normal interactions. Communications in the team has been affected, as has access to files and records.
3. Our files are not readily accessible and equipment was left behind. The loss of scanning and photocopying has also been a significant drawback. We have been unable to go to sites for operational, security and medical reasons. Health & Safety and evidence gathering dictates that officers attend sites together. However, social distancing rules have precluded work car travel. One of the team also has health issues and has had to be very vigilant.
4. We cannot ensure that sites are covid-secure, which has made the work more challenging in gaining access to sites and the evidence and information needed to assess cases and respond to concerns from Members and the community. Even now we are largely deskbound, trying to gather remote information and evidence from every conceivable source.

### **Report format**

5. 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.
6. This report summarises alleged unauthorised activity. There is a further exempt report within (Item 8) of these papers, containing restricted details of cases. However, a list of the cases covered in the schedule is given under paragraph 7 below.

## Report Content

7. Given the operational constraints outlined above, the content of this report has needed to be condensed. However, to reassure the public and Members, the planning enforcement service continues but in a modified form. Strict prioritisation is observed. This ranges from County Matter cases at one end, through to supportive work in the public interest on district cases, at the other. Within that it further includes cases that are being investigated, which may ultimately not be for this Authority and strategy and case management advice to other regulatory authorities.
8. The list of cases covered under Item 8 'Update of Planning Enforcement Cases' (Exempt report) in order of presentation are:

### County Matter cases (complete, potential or forming a significant element)

#### New

01. **Raspberry Hill Park Farm**, Raspberry Hill Lane, Iwade, Sittingbourne.
02. **Hoads Wood Farm**, Bethersden
03. **Ringwold Alpine Nursery**, Dover Road, Ringwold

#### Existing

04. **Double-Quick Farm**, Lenham, Maidstone
05. **Mount Pleasant Farm**, Seasalter Lane, Yorkletts, Whitstable

### District referrals (potential interest, unlikely County Matter, or partnership working)

#### New

06. **The Stables**, Harpole Farm, Detling
07. **Heart in Hand Road**, Canterbury
08. **Earley House**, Waltham Road, Petham

#### Existing

09. **Fairfield Court Farm**, Brack Lane, Brookland, Romney Marsh.
10. **Chapel Lane**, Sissinghurst, Tunbridge Wells

**NB** In addition to the above cases, (06) to (10), measurable time has been spent on the following further or emerging cases. This includes those that could be

handled by other authorities and agencies, without the need for our strategic input:

- Boyden Gate, Canterbury
- The Reservoir, Brook Farm, Canterbury
- Stickens Lane, East Malling
- Springhill Farm, Springhill, Penshurst
- Fitchetts Farm, Fordcombe
- Brethren Meeting Hall / Wilburton/Provender Nurseries sites / Leydenhatch Lane, Dartford.

The full extent of some of these has been difficult to assess without being able to go on the sites. An appropriate contribution or matters of jurisdiction have similarly been difficult to decide upon.

### Permitted sites (compliance issues)

11. **East Kent Recycling Site D**, Oare Creek, Faversham Kent
12. **Blaise Farm Quarry**, AD Facility, Kings Hill, West Malling
13. **Wentworth Primary School**, Wentworth Drive, Dartford
14. **Maypole Community Primary School**, Franklin Road, Dartford.
15. **Tunbridge Wells Grammar School for Boys**, St Johns Road, Tunbridge Wells

## Meeting Enforcement Objectives

### *Workload focus*

9. There has been a significant surge in cases (more than double the norm) to add to existing ones. However, the whole of the workload is subject to prioritisation, in accordance within the adopted protocol i.e. those that have the greatest potential to cause environmental harm. In this context, the case focus has been on those that we have managed to attend to or progress, in the circumstances of the pandemic, rather than those which will need to be brought forward later on. None will however be missed.
10. The division of labour though has still largely been between our core County Matter cases and a raft of district referrals. Compliance issues on sites permitted by the County Council is a further and increasing work stream.

### *Lockdown factors*

11. It is difficult to discern until later analysis, why there has been such an escalation in cases. It is also reflected at other planning authorities and the Environment Agency. It involves an increase in cases, and in the significance of more of those cases.

12. There are three likely causes, on current information. Operators and contraveners taking alleged liberties, assuming that Planning Enforcement, have been largely disabled. Secondly, those affected have been at home and experiencing the amenity impacts over longer periods of the day and more intensely, resulting in an increase in complaints and more registered cases. A third possibility, stems from the fact that the construction industry has continued through the lockdown period and 'spin-off' contraventions involving demolition and construction spoil have spiralled.

#### *Local assistance*

13. At the same time, the active involvement on the ground of the local County Members and district councillors, along with affected members of the public and interest groups, should be stressed and applauded. So should district officer 'drive-bys' of sites on our behalf, especially at distance. The EA and the police have also been supportive, with the EA's reporting 'hotline' really proving its worth. Local Authority planning websites have yielded vital information in an accessible format, further saving a great deal of time. All of this support has proved invaluable in attempting to work the cases remotely.

#### *Other duties*

14. Notwithstanding the surge in cases, another dimension of the pandemic, particularly in the earlier stages (especially during the 'panic-buying' phase) is that officers in the team and wider group have been informally volunteering. These have included shielding duties, buying groceries and collecting prescriptions for immobile or confined people locally, including neighbours and wider family. Some also answered the call for community volunteers by the NHS and KCC. This help has been supported by the County Council but equally, the officers involved have sought to weave the duties into their day job. Any loss of capacity has therefore been managed.

## **Monitoring**

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

15. In addition to our general visits to sites, we also undertake routine visits on permitted sites, to formally monitor against the statutory monitoring charging scheme. This provides useful compliance checks against each operational activity and an early warning of any alleged and developing planning contraventions. At the moment such visits have been suspended, in order to attend to more immediate priorities and covid-safe requirements.

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

16. 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. Under normal circumstances, 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. For the moment, this initiative has also been reduced to allow a diversion of resources to more immediate and pressing

duties.

**Conclusion**

17. The main theme of this report has been to explain publicly and in a positive way, what we have managed to do, according to agreed priorities, during the constraints imposed by the pandemic. The planning enforcement service continues but for now, in an adapted way. We are working remotely at home as best we can but networking closely with our District and Environment Agency colleagues. We have just been part of a major police and multi-agency operation, which was brought together virtually. The ability to generate such a decisive operational capacity remotely should be a warning to any 'would-be contraveners in the field. Our resources are severely stretched but our capability and intent are as determined as they ever were before lockdown.

**Recommendation**

18. 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.