

KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 24 January 2023.

PRESENT: Mr S C Manion (Chairman) Mrs S Hudson (Vice-Chairman)
Mr M Baldock, Mr P Cole, Mr M C Dance, Ms S Hamilton, Mr D Jeffrey,
Mr R C Love, OBE, Mr J M Ozog, Mrs L Parfitt-Reid, Mr T L Shonk and Mr H Rayner

IN ATTENDANCE: Mr R Gregory (Team Leader - Planning Enforcement),
Mr G Rusling (Public Rights of Way & Access Service Manager), Mrs S Thompson
(Head of Planning Applications), Mr A Ballard (Principal Democratic Services Officer)
Mr S Whitehead (Specialist Enforcement Officer) and Ms H Savage (Democratic
Services Officer)

UNRESTRICTED ITEMS

22. Apologies and Substitutes

(Item 1)

Apologies were received from Mr Chittenden and Mr Lewis. Mr Rayner was attending as substitute for a vacancy.

23. Declarations of Interests by Members in items on the Agenda for this meeting.

(Item 2)

There were no declarations of interest.

24. Minutes of the meeting held on 21 September 2022

(Item 3)

RESOLVED that the Minutes of the Committee meeting on 21 September 2022 are correctly recorded and that they be signed by the Chairman.

25. Home to School Transport Appeals Update

(Item 4)

Mr Love disclosed a non-pecuniary interest in that Home to School Transport Appeals fell under his portfolio as a Cabinet Member.

- (1) The Chairman thanked Members who sat on the Home to School Transport Appeals Panel for their time and commitment.
- (2) The Principal Democratic Services Officer introduced a report giving an overview of Home to School Transport Appeal statistics for the period between 1 January and 31 December 2022 together with a brief comparison to those from 2010 to 2021.

- (3) In response to a question from a Member regarding the number of paper-based appeals upheld in comparison to appeals held face-to-face, the Principal Democratic Services Officer explained that decisions for paper-based appeals were solely based on the information provided on the application, whereas face-to-face appeals enabled Panel Members to ask questions and glean additional information. This resulted in more face-to-face appeals being upheld. The Principal Democratic Services Officer confirmed applicants were advised accordingly in this regard and were encouraged to provide as much information as possible.
- (4) Members discussed the budget for Home to School Transport appeals and a Member requested that future reports to the committee include the monthly costs of upheld appeals to provide an understanding of the financial impact of decisions.
- (5) The Chairman thanked officers involved in supporting residents and Members on Home to School Transport Appeals.

RESOLVED that the report be noted.

26. Update from the Public Rights of Way and Access Service - Common Land and Village Greens

(Item 5)

- (1) The Public Rights of Way and Access Service Manager introduced the report and explained the Council's role as a 'Commons Registration Authority'. The Public Rights of Way and Access Service Manager explained that most applications received were made under Section 15(1) of the Commons Act 2006 and voluntary applications could also be made under Section 15(8) of the Act. There were currently 12 outstanding applications to record new Village Greens.
- (2) The Public Rights of Way and Access Service Manager explained that a request to withdraw an application to record Common Land at Preston Parade Cliff at Whitstable (CAA22) had been made by the Applicant.
- (3) The Public Rights of Way and Access Service Manager updated Members on a challenge to a decision made by the Regulation Committee Member Panel on 2 December 2021, and the referral of the application to register land known as Two Fields at Westbere to a Public Inquiry for further consideration. The claim for Judicial Review was dismissed and an application had been made to the Court of Appeal.
- (4) Mr Dance referred to an application for a Public Spaces Protection Order by Canterbury District Council in relation to Preston Parade Cliff at Whitstable. Mr Dance proposed, and Mr Baldock seconded, that the withdrawal of the application be paused until further clarification and information had been established, and the motion was agreed unanimously. The Public Rights of Way and Access Service Manager said that further information relating to the proposed withdrawal of the application would be brought to a future meeting of the Regulation Committee.

RESOLVED that:

- a) The report be noted and;
- b) further information would be provided in respect of the withdrawal of application CAA22 at a future Regulation Committee, and the decision to withdraw the application be put on hold.

27. Applications to voluntarily register land as new Village Greens at Loose and Boughton Monchelsea

(Item 6)

- (1) The Public Rights of Way and Access Service Manager introduced the report and explained that four applications had been received to voluntarily register land as village greens under Section 15(8) of the Commons Act 2006, and these included the lands known as Salts Wood at Loose, Boughton Monchelsea Green, Brooks Field at Loose, and Walk Meadow at Boughton Monchelsea.
- (2) The Public Rights of Way and Access Service Manager referred to an updated plan for Brooks Field at Loose which is attached to these minutes.
- (3) Mr Baldock proposed and Mrs Parfitt-Reid seconded that all four applications be formally registered as village greens, and it was agreed unanimously.

RESOLVED that the applications to register the lands known as: 1) Salts Wood at Loose; 2) Boughton Monchelsea Green; 3) Brooks Field at Loose; and 4) Walk Meadow at Boughton Monchelsea; have been accepted, and that those lands be formally registered as Village Greens.

28. Update on Planning Enforcement Issues

(Item 7)

- (1) The Head of Planning Applications introduced the report which covered the work of the Planning Enforcement Team since 21 September 2022.
- (2) The Head of Planning Applications highlighted a survey that had recently been undertaken by the Royal Town Planning Institute (RTPI) on local planning authorities and the effectiveness of planning enforcement services, which had identified serious challenges in terms of recruitment and retention nationally.
- (3) The Head of Planning Applications referred to the Environment Agency (EA) permitting issue discussed at the last meeting of the Regulation Committee and confirmed that the Cabinet Member for Economic Development had written to various parties regarding this, and responses had been received.

RESOLVED that the actions taken or contemplated in the report be noted and endorsed.

29. Other Items which the Chairman decides are Urgent

(Item 8)

There were no urgent items.

30. Motion to exclude the public

EXEMPT ITEMS (Open Access to Minutes)

(Members resolved under Section 100A of the Local Government Act 1972 that the public be excluded for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act)

31. Update on Planning Enforcement Cases

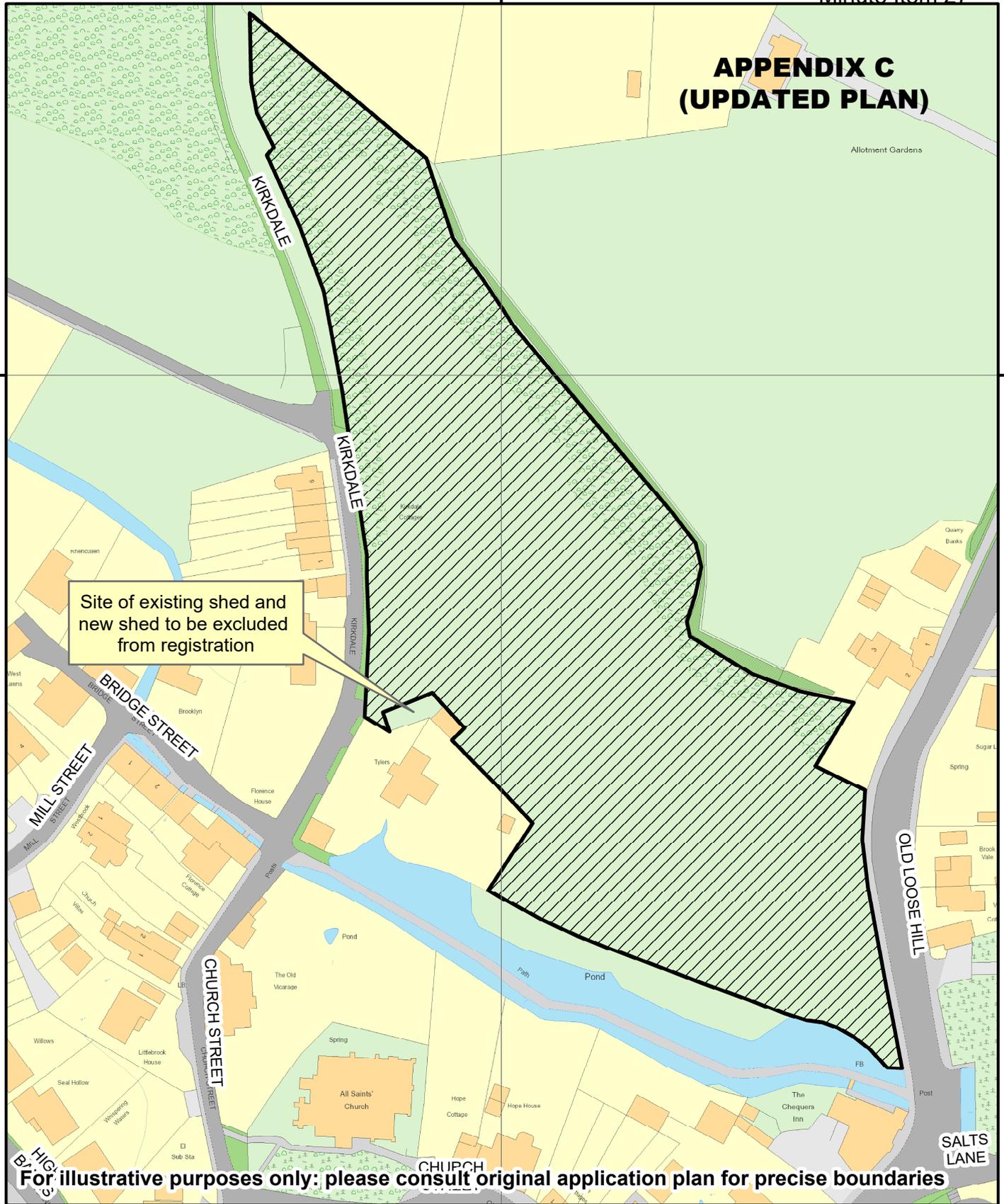
(Item 9)

- (1) The Head of Planning Applications updated Members on the responses received to the Cabinet Member for Economic Development's letter regarding the Environment Agency (EA) permitting issue.
- (2) Members discussed staff resources and retention within the Planning Enforcement Team and the Head of Planning Applications confirmed the challenges that the Council faced in this regard. The Planning Enforcement Team Leader stressed the importance of internal development.
- (3) Members sought information on enforcement resources within the Kent district and borough councils. The Committee agreed that the Head of Planning Applications would seek information from the Kent authorities for a future report to the Committee.
- (4) The Planning Enforcement Team Leader gave an update on unauthorised (or part unauthorised) planning enforcement matters setting out actions taken or contemplated at Raspberry Hill Park Farm, Iwade; Warden Point, Eastchurch; Surf Crescent, Eastchurch; Water Lane, Thurnham; Woodside East, Shadoxhurst; Land off Maypole Lane, Canterbury; Manor Farm, Willow Lane, Paddock Wood; Knowle Farm, Teston; Cobbs Wood Industrial Estate, Ashford; Old Tilmanstone Colliery, Pike Road, Eythorne; Cube Metals, Unit A, Highfield Industrial Estate, Bradley Road, Folkestone; R S Skips, Apex Business Park, Shorne; Mayfield Grammar School, Pelham Road, Gravesend; Trosley Country Park, Vigo Village, Gravesend; Teston Bridge Country Park, Maidstone; East Kent Recycling, Oare Creek, Faversham; Borough Green Sandpits, Platt; Wrotham Quarry (Addington Sandpit), Addington, West Malling; H & H Celcon, Ightham.
- (5) RESOLVED that the enforcement strategies outlined in paragraphs 8 to 137 of the report be noted and endorsed.

APPENDIX C (UPDATED PLAN)

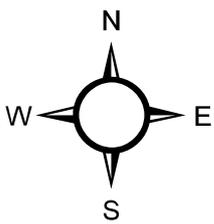
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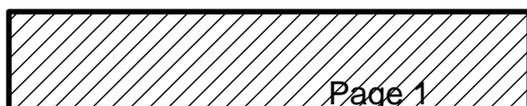
Site of existing shed and new shed to be excluded from registration

For illustrative purposes only; please consult original application plan for precise boundaries



Scale 1:1250
@ A4

Land subject to Village Green application
(known as Brook's Field)
at Loose, nr Maidstone (VGA689)



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