

Update on Planning Enforcement Issues

Item 7

Report by Head of Planning Applications Group to the Regulation Committee on 21st January 2025.

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 into events, operational matters and activities of the County Planning Enforcement service, since the 17th September 2024 Regulation Committee.
2. Planning enforcement workloads remain high, from small to medium case size to the strategic level. The common work format at practically all levels now is a shared and collaborative pattern with varying degrees of connection between parties.
3. This helps to cohere multiple remits and allows for more regular and targeted monitoring of sites. Working links are strengthened through the circulation of operational intelligence to all parties on an equal basis. Costs, expertise and resources are similarly shared, with the benefit of a united enforcement front on site, an holistic approach and the boosting of morale.

Report Format

4. Our reporting to the Regulation Committee on planning enforcement matters comprises of two main parts.
5. The first being this 'open' report, summarising in general, our findings and observations relating to enforcement matters, for discussion. In addition, it includes the nature of the alleged unauthorised activities and types of responses, incorporating as much as can be released on operational matters without prejudicing any action that the Council may wish to take, or in relation to team actions with other regulatory bodies.
6. The second is the 'closed' or 'exempt' report (within Item 9 of these papers) containing restricted details on cases. These report the work conducted, in priority order, with the strategic level cases first (with a County Council interest / remit). Followed then by district referrals, including those where issues of jurisdiction remain, including 'cross-over' work with partner bodies and finally alleged compliance issues at permitted sites.
7. This allows for confidential discussions with Members on alleged contravening

Update on Planning Enforcement Issues

Item 7

behaviour and the responses required. It further safeguards both enforcement strategies and legal evidence. Member endorsement is sought on individual sites and in terms of group regulatory initiatives. The format is self-contained and effective.

8. To balance the need for transparency, a list is provided, under paragraph 9 below, of the cases that are covered in the exempt report. This includes live and new cases requiring investigation. Those previously reported and inactive, remain on a 'holding / monitoring' database to be brought back to the Committee, should further activity occur, or as an update on site restoration and after-uses. Any material change in the circumstances of the sites is brought to the Committee's attention.
9. Our current and immediate operational workload, qualified by remit and with resource priority is as follows:

County Matter cases (complete, potential, forming a significant element or as a regulatory group contribution)

- 01 **Hoads Wood**, Bethersden, Ashford
- 02 **Swanton Lane**, Littlebourne, Canterbury
- 03 **Third Avenue and Warden Point**, Eastchurch, Isle of Sheppey
- 04 **Raspberry Hill Park Farm**, Raspberry Hill Lane, Iwade, Sittingbourne
- 05 **Bell Lane Farm**, Minster-on -Sea, Isle of Sheppey
- 06 **Land Adjacent to Knoxfield Caravan Site**, Darenth Wood Road, Dartford
- 07 **Oaktree Farm**, Halstead, Sevenoaks

District or EA referrals (or those district or EA cases of potential interest)

- 08 **Manor Farm, Willow Lane**, Paddock Wood
- 09 **Knowle Farm**, Malling Road, Teston, Maidstone
- 10 **Court Paddock Farm**, Ightham
- 11 **Former Travel Lodge / Brotherhood Woods**, Boughton Bypass Dunkirk
- 12 **The Pines Nursery**, Gravel Castle Road, Barham
- 13 **Pike Road / Thornton Kennels**, Tilmanstone

14 Cloverleaf, Bad Munstereifel Road, Ashford

10. All cases are triaged, researched and investigated to grasp the scope and extent of the activities being reported. In addition, this initial work seeks to establish whether there is a statutory remit for the County Council. Some cases may be passed to other authorities and agencies, whilst others require our attendance and support within multi-regulatory settings.
11. A further workload area relates to alleged compliance issues at permitted sites. These mainly relate to alleged breaches or monitoring of planning conditions, arising from site management issues.

Permitted sites (compliance issues)

- 01 **Shelford Landfill, Broad Oak Road, Canterbury**
- 02 **Cube Metals**, Unit A, Highfield Industrial Estate, Bradley Road, Folkestone.
- 03 **RS Skips**, Apex Business Park, Shorne.
- 04 **East Kent Recycling**, Oare Creek, Faversham
- 05 **Borough Green Sandpits**, Platt, Borough Green
- 06 **Wrotham Quarry (Addington Sandpit)**, Addington, West Malling
- 07 **H&H Celcon**, Ightham
- 08 **Land at 54 The Street, Mereworth**
- 09 **McAleers, Plot 1 North East Cross Keys Coaches, Caesars Way, Folkestone,**

Meeting Enforcement Objectives

Alleged strategic waste crime

12. There are a number of strategic planning enforcement cases spread across the county, requiring priority attention in a group regulatory context. Each site has attracted a dedicated task force, drawn from specialised staff, with a police presence. Three sites, at Third Avenue, Eastchurch (Isle of Sheppey), Hoads Wood, Bethersden, Ashford and more recently Swanton Lane, Canterbury are subject to on-going Environment Agency (EA) Restriction Orders, preventing alleged unauthorised access for the importation of waste materials and their associated environmental and amenity impacts.

Update on Planning Enforcement Issues

Item 7

13. These direct actions are now considered as a serious operational response in worst-case scenarios. Indeed, the EA is currently out to consultation on service charge adjustments, by way of increasing resources and capacity to address environmental crime.

Other, largely small to medium size sites

14. In addition to KCC Planning Enforcement active engagement in the strategic sites, it is involved with a range of small to medium size sites, which are becoming more common and problematic. These are usually traditional in nature but with some cases exhibiting waste crime tendencies and apparent links with other sites. The site operations are also increasingly more persistent and defiant, needing a reply from the public sector side to match.
15. Collaborative working helps in this respect by overcoming the limitations of single authority actions, with more site visits, monitoring and compliance checks to maintain regulatory team presence on site and the possibility of more decisive interventions.

Monitoring

Monitoring of permitted sites and update on chargeable monitoring

16. In addition to general visits to sites, we also undertake monitoring visits on permitted sites. They provide useful compliance checks against each operational activity and an early warning of any alleged and developing planning contraventions. A limited number of statutory monitoring visits have been undertaken. Alleged planning contraventions at permitted sites are currently being addressed with additional support from agency staff.

Resolved or mainly resolved cases requiring monitoring

17. 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. Cases are routinely reviewed to check for compliance and where necessary are reported back to the Committee.

Conclusion

18. County planning enforcement is a demanding sphere of work both in content and complexity. The working context is also changing with the need for a collaborative approach with other regulatory bodies increasingly becoming a default action. Environment Agency engagement in this field in particular is more apparent and expected and able to draw upon bespoke powers from Central Government. Against this backdrop, there have been a number of notable successes.

19. Recommendation

I RECOMMEND that MEMBERS NOTE & ENDORSE:

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

Case Officers: KCC Planning Enforcement

03000 413380

Background Documents: see heading.