

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, 21 January 2025.

PRESENT: Mr S C Manion (Chairman), Miss S J Carey (Vice-Chair), Mr D Beaney, Mr I S Chittenden, Mr P Cole, Mr M C Dance, Ms J Meade, Mr J M Ozog, Ms L Parfitt and Mr H Rayner

IN ATTENDANCE: Team Leader - Planning Enforcement, Planning Enforcement Officer, Mr G Rusling (Head of Public Rights of Way & Access), Mrs S Thompson (Head of Planning Applications Group), Ms H Savage (Democratic Services Officer), Mr A Ballard (Principal Democratic Services Officer) and Ms S Bonser (Solicitor)

UNRESTRICTED ITEMS

81. Membership
(Item 1)

RESOLVED to note that Dr Sullivan had joined the committee.

82. Apologies and Substitutes
(Item 2)

Apologies were received from Mr Bond.

Mr Baldock had given his formal apologies but was attending the meeting virtually.

83. Declarations of Interests by Members in items on the Agenda for this meeting.
(Item 3)

There were no declarations of interest.

84. Minutes of the meeting held on 17 September 2024
(Item 4)

RESOLVED that the minutes of the Committee meeting on 17 September 2024 are correctly recorded and that they be signed by the Chairman.

85. Home to School Transport Appeals Update
(Item 5)

1. The Principal Democratic Services Officer introduced the report which provided an overview of Home to School Transport Appeal statistics for the period between 1 January 2024 and 31 December 2024 and a brief comparison with statistics from 2010 to 2023. The Principal Democratic Services Officer explained that the number of successful appeals had significantly reduced compared to previous years.
2. Further to questions and comments from Members it was noted that:
 - In making their decision Panel Members were required to consider the costs to the Council in balance with the circumstances of the case.
 - Panel Members and officers were commended for their work and the savings made.
 - In relation to 16 Plus transport appeals, the transport team provided families with information relating to alternative options that may be available to them before the appeal stage, for example, school bursaries.
 - Paper based applications had less success at being upheld compared to virtual and face to face applications due to the difficulty in obtaining additional relevant information.
 - Two investigations by the Local Government and Social Care Ombudsman were outstanding and Mr Ballard suggested that an online briefing be delivered at a future date to look at the findings and explore best practice.
3. RESOLVED that the report be noted.

86. Update from the Public Rights of Way and Access Service - Common Land and Village Greens
(Item 6)

1. The Public Rights of Way and Access Service Manager introduced the report and explained the Council's role as a 'Village Greens & Commons Registration Authority'. The Public Rights of Way and Access Service Manager explained that most applications received were based on an assertion of use as of right over a period of 20 years by local inhabitants. There was an increase in applications from developers and parish councils to voluntarily register land as village greens. Over the last year six applications had been determined by the Council with two requiring a public inquiry where evidence was balanced or contradictory and there was a need for evidence to be independently assessed. Two applications for the registration of common land and amendments to it were with the Planning Inspectorate for determination.

2. In relation to Public Rights of Way (PROW) the government announced at the end of 2024 that the cut-off date for the Definitive Map and Statement for applications based on historic documentary evidence would be repealed. The Public Rights of Way and Access Service Manager said this was positive from an operational viewpoint due to the upsurge in applications that had been received based on historical documentary evidence.
3. The committee expressed their gratitude to Ms Melanie McNeir, Public Rights of Way and Commons Registration Officer, for her work in relation to village green applications.
4. RESOLVED that the report be noted.

87. 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 17 September 2024. She said workloads remained high, and work continued with partners including the Environment Agency who had bespoke powers relating to waste from central government.
2. The Head of Planning Applications drew Members' attention to some of the strategic cases that had the benefit of Environment Agency Restriction Orders which were proving to be very effective.
3. RESOLVED that the actions taken or contemplated in the report be noted and endorsed.

88. Other Items which the Chairman decides are Urgent
(Item 8)

There were no urgent items.

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)

89. Update on Planning Enforcement Cases
(Item 9)

1. The Head of Planning Applications introduced the report which covered the work of the Planning Enforcement Team since 17 September 2024.
2. The Planning Enforcement Team Leader and the Head of Planning Applications gave an update on unauthorised planning enforcement matters and permitted compliance work setting out actions taken or contemplated at Hoads Wood, Bethersden, Ashford; Swanton Lane, Littlebourne, Canterbury; Warden Point/Third Avenue, Eastchurch, Isle of Sheppey; Raspberry Hill Park Farm, Iwade; Bell Lane Farm, Minster-on-Sea, Isle of Sheppey; Ancient Woodland Adjacent to Knoxfield Caravan Site, Dartford; Oaktree Farm, London Road, Halstead, Sevenoaks; Manor Farm, Willow Lane, Paddock Wood; Knowle Farm, Malling Road, Teston; Court Paddock Farm, Ightham; Former Travel Lodge/Brother Hood Woods, Boughton Bypass Dunkirk; The Pines Nursery, Gravel Castle Road, Barham; Pike Road/Thornton Kennels, Tilmanstone; Cloverleaf, Bad Munstereifel Road, Ashford; Cube Metals, Unit A, Highfield Industrial Estate, Bradley Road, Folkestone; R S Skips, Apex Business Park, Shorne; East Kent Recycling, Oare Creek, Faversham; Borough Green Sandpits, Platt; H & H Celcon, Ightham; Shelford Landfill, Broad Oak Road, Canterbury; Land at 54, The Street, Mereworth, Maidstone; McAleers, Caesars Way, Folkestone.
3. Mrs Thompson advised that the Council had responded to the recent Environment Agency consultation 'charge proposals for April 2025 and reducing waste crime and updating time and materials charges'. Mr Beaney declared a pecuniary interest in this matter as a waste permit holder.
4. Mr Rayner drew attention to the skills and expertise of the Regulation Committee and officers supporting the Committee and the need to ensure that these were not lost in local government reorganisation discussions.
5. RESOLVED that the enforcement strategies outlined in paragraphs 7 to 100 of the report be noted and endorsed.