

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, 30 January 2024.

PRESENT: Mr S C Manion (Chairman) Mrs S Hudson (Vice-Chairman)
Mr M Baldock, Mr T Bond, Miss S J Carey, Mr P Cole, Mr M C Dance, Mr B H Lewis,
Ms J Meade, Mr J M Ozog, Mrs L Parfitt-Reid and Mr H Rayner

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

UNRESTRICTED ITEMS

49. Membership

(Item 1)

RESOLVED to note that Miss Carey had joined the committee.

50. Apologies and Substitutes

(Item 2)

Apologies were received from Mr Beaney and Mr Chittenden.

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

(Item 3)

There were no declarations of interest.

52. Minutes

(Item 4)

1. Mr Baldock raised some points in relation to the Regulation Committee Member Panel minutes of 24 November 2023 and it was agreed this would be discussed outside of the meeting.

RESOLVED that:

- (a) The minutes of the Committee meeting on 17 October 2023 are correctly recorded and that they be signed by the Chairman.
- (b) The minutes of the Regulation Committee Member Panel on 15 September 2023 are correctly recorded and that they be signed by the Chairman.

- (c) The minutes of the Regulation Committee Member Panel on 20 September 2023 are correctly recorded and that they be signed by the Chairman.

Post meeting note:

The minutes of 24 November 2023 were subsequently amended, at paragraph 12 of Item 4, to clarify that whilst the Chair of Bobbing Parish Council was present, the Parish Council had not taken a formal position on the application.

53. 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 and 31 December 2023 and a comparison of those from 2010 to 2022. The Principal Democratic Services Officer explained that an approximate cost of successful appeals had been incorporated into the report.
2. The Chair thanked Members who sat on the School Transport Appeal Panels.

RESOLVED that the report be noted.

54. 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 made under the Commons Registration Act 2006 and voluntary applications could also be made under the Act. Over the last year nine applications had been determined by the Council. Four applications had been received in 2023 (including two voluntary applications) and three further applications had been received since the report was written.
2. The Public Rights of Way and Access Service Manager provided an update on the village green application at Westbere which was due to be considered at a Member Panel following a Public Inquiry, and Bunyards Farm which was considered at a Member Panel in September 2023.
3. The Public Rights of Way and Access Service Manager said there were three applications to amend the Register of Common Land including one with the Planning Inspectorate and two which would be considered by a Member Panel in due course.
4. Mr Dance asked about growth areas in relation to staffing levels and the Public Rights of Way and Access Service Manager said work relating to village greens was not a growth area due to changes in legislation in recent years. In relation to Public Rights of Way (PROW) applications, this area was growing due to government's intention to close the map to new applications based on historical evidence. The backlog for PROW applications was 86 cases, and at the current rate of progress this equated to a backlog of about 5 years. The Public Rights

of Way and Access Service Manager was hopeful that changes under the Deregulation Act 2015 would ease that burden.

RESOLVED that the report be noted.

55. 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 October 2023.
2. The Head of Planning Applications said the strategic sites which had an alleged organised waste criminal element had increased and the Council continued to work within a multi-regulatory team setting which ensured that all available enforcement options could be maximised. The Environment Agency was leading on a number of those cases, alongside the County Council.
3. The Head of Planning Applications provided an update on new provisions for planning and enforcement under the Levelling Up and Regeneration Act 2023 which would be made available to planning authorities. These provisions included the requirement to serve another formal action within 56 days (currently 28) of serving a temporary stop notice, new commencement and completion notices, an increase of the 'four year rule' to ten years, a new Enforcement Warning Notice where a breach of planning control could be addressed by a planning application, changes to the appeal process, and an increase in fines.
4. Members discussed the completion of roads to a required standard by developers prior to adoption by a planning authority and The Head of Planning Applications said a completion notice could potentially be a useful tool in this regard.

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

56. Other Items which the Chairman decides are Urgent

(Item 8)

There were no urgent items.

57. Update on Planning Enforcement Cases

(Item 9)

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)

1. The Head of Planning Applications introduced the report which covered the work of the Planning Enforcement Team since 17 October 2023.

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; Ancient Woodland Adjacent to Knoxfield Caravan Site, Dartford; Oaktree Farm, London Road, Halstead; Warden Point/Third Avenue, Eastchurch, Isle of Sheppey; Raspberry Hill Park Farm, Iwade; Manor Farm, Willow Lane, Paddock Wood; Knowle Farm, Malling Road, Teston; Court Paddock Farm, Ightham; Former Travel Lodge/Brother Hood Woods, Boughton Bypass Dunkirk; Court Farm, Thurnham, Maidstone; Squidsgate, Challock; Parefield Wood, Fawkham, Pilgrims Lodge, Detling; Dering Woods, Ashford; Hawthorn Cottages, Herne Bay; 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; Teston Bridge Country Park, Teston Lane, Maidstone; East Kent Recycling, Oare Creek, Faversham; Borough Green Sandpits, Platt; Wrotham Quarry (Addington Sandpit), Addington, West Malling; H & H Celcon, Ightham.
3. The Head of Planning Applications amended her recommendations in the report relating to Warden Point/Third Avenue and former Travel Lodge/Brother Hood Woods and this was unanimously agreed.
4. The Head of Planning Applications amended her summary of proposed actions relating to Borough Green Sandpits and Wrotham Quarry (Addington Sandpit) and this was unanimously agreed.

RESOLVED that subject to paragraphs 3 and 4 above the enforcement strategies outlined in paragraphs 5 to 134 of the report be noted and endorsed.