

Planning Enforcement Activity for Period July 2015 to June 2016

To: Planning Committee
Date: January 2023
Main Portfolio Area: Planning
Author of report: Peter Hockney: Development Manager
Classification: Non-exempt
Ward: All wards

SUMMARY

The Council's adopted "Enforcement and Compliance Strategy" (July 2010) requires a report to be made at appropriate intervals to the Planning Committee.

This report provides a summary of the planning enforcement cases from 1 April 2022 to 30 September 2022.

Report status

For information

Route to Implementation/Timetable:

This report has been submitted to the Planning Committee for information purposes only.

1 BACKGROUND & INTRODUCTION

- 1.1 This matter is to be reported to Committee every six months.
- 1.2 The enforcement report is normally presented to the Committee every six months, however due to staffing changes and other priorities this is the first such report for a number of years.
- 1.3 Much of the enforcement and compliance work follows from reports and queries from the public, Councillors and Parish and Town Councils. The number of new complaints registered for investigation compared to previous months is as follows:

2 ENFORCEMENT COMPLAINTS RECEIVED

2.1 Enforcement complaints are categorised on receipt to one of the below categories. The table identifies how many of each category were received in the period 1 April 2022 to 30 September 2022. These represent the number of cases, in many instances there would be multiple complaints/complainants regarding the same case.

Type	Number of New Cases 1 April 2022 to 30 September 2022
Advertisements	4
Article 4 Creation	2
Breach of Conditions/Breach of Approved Plans	39
Change of Use	24
High Hedge Complaints	10
Unauthorised work to Listed Buildings	15
Unauthorised work to Protected Trees	11
Operational Development	80
Waste/Untidy Site	9
TOTAL	194

2.2 The geographical spread of new cases received in the period 1 April 2022 to 30 September 2022 is outlined in the table below.

Area	Advert	Article 4	Breach of Cond/ Plans	Change of Use	High Hedge	Listed Building	Trees	Op Dev	Waste	TOTAL
Benenden		2	1					4		7
Bidborough								2		2
Brenchley & Matfield			4	2		1		2	1	10
Capel			1	1				3		5
Cranbrook & Sissinghurst	1		3	1	1	1	1	9	1	18
Frittenden				1				1		2
Goudhurst								5		5
Hawkhurst	1		2	1		3	1	1		9
Horsmonden			2	1				4		7
Lamberhurst			2	1		5	1	2		11
Paddock Wood			7					1		8
Pembury	1		4				1	7	2	15
Rusthall				3				6	1	10
Sandhurst						1		1		2
Southborough			1	2		1	1	2	1	8
Speldhurst				2	4	2	2	5		15
Tunbridge Wells	1		12	9	5	1	4	25	3	60

- 2.3 Each of these received complaints are investigated. There are four priority categories when dealing with investigations of new cases. These are explained below:

Top Priority

Unauthorised work causing significant damage to listed buildings; felling of protected trees/hedgerows; works to ancient monuments/SSSIs/SNCIs likely to cause irreversible harm to the natural or historic environment; developments affecting the Highway to the extent that it causes immediate danger to life.

Target: Initial investigation and site visit to control the situation carried out within one working day.

High Priority

Unauthorised developments causing significant harm to the quality of life of a number of local residents, causing or potentially causing significant harm to the landscape function of the AONB or the quality of Conservation Areas etc. or harm to listed buildings causing lesser harm than Top Priority cases or developments affecting the highway to the extent that it causes significant hazards to traffic.

Target: Initial investigation and site visit will be carried out within five working days of the complaint being lodged.

Medium Priority

Unauthorised developments which cause limited harm to individuals, a single neighbour; or other interests of planning importance (e.g. works not in general public view, advertisements).

Target: Initial investigation and site visit will be carried out within ten working days of the complaint being lodged.

Other priority

Minor householder developments, minor works (e.g. sheds, fences, extensions), satellite dishes which appear to cause no harm to interest of planning importance and all anonymous complaints unless they appear to fall within the Top Priority category.

- 2.3 Compared with the same period the previous year there has been a decrease in the total number of complaints raised. For the period 1 April 2021 to 30 September 2021 there were 237 complaints received.

3 FORMAL ENFORCEMENT ACTION

- 3.1 When breaches of planning control cannot be resolved through the granting of retrospective permission or voluntary compliance it may be appropriate to undertake formal enforcement action.

Formal Planning Enforcement Actions

	<i>April to June 2022</i>	<i>July to September 2022</i>
<i>Number of enforcement notices issued</i>	3	3
<i>Number of S215 Notices issued</i>	0	0
<i>Number of stop notices and temporary stop notices issued</i>	0	0
<i>Number of Hedgerow Replacement Notices issued</i>	0	0
<i>Number of breach of condition notices</i>	0	0
<i>Number of Injunctions</i>	0	0
<i>Article 4 Directions</i>	0	0

3.5 Prosecutions

New prosecutions completed: **1**
 Current Prosecutions: **0**

Location	Defendant	Decision
Peacock Farm, Rusthall	Mr B & Mr J McGrath	Guilty plea entered by Mr B McGrath (therefore no evidence offered against Mr J McGrath) Court Sentence Fine: £1,000.00 Costs: £2,700.00 Victim surcharge: £100 Total: £3,800.00

4.0 Appeal Decisions

4.1 Between 1 April 2022 and 30 September 2022 no appeal decisions following enforcement appeals have been received.

4.2 Below are a list of current appeals following the serving of Enforcement Notices that are awaiting a decision from the Planning Inspectorate.

- Former Pf Skeet Yard, Talbot Road, Hawkhurst
- Free Heath Poultry Unit, Free Heath, Lamberhurst
- High Birch Cottage, 21A Broadwater Down, Royal Tunbridge Wells
- 309 Upper Grosvenor Road, Royal Tunbridge Wells

- 72 Camden Road, Royal Tunbridge Wells
- High Wood, High Woods Lane, Royal Tunbridge Wells

5. Additional Information

- 5.1 Since summer 2022 the Enforcement Team has been understaffed in that 2 officers left and only one officer remained in post. Recruitment is ongoing to fill these posts.
- 5.2 Officers will continue to carry out further checks on Planning Conditions, on a project basis, where complaints regarding specific sites are brought to their attention. If Members would like further information on progress with a specific case or site or wish to report any new case for investigation or monitoring please contact the relevant officers.

RECOMMENDATION(S):

That the report be noted

REASON(S) FOR RECOMMENDATION(S):

To ensure Members are up to date on the enforcement and compliance activity and to improve the effectiveness of the planning enforcement officers within given resources.

Contact Officer: Peter Hockney, Development Manager

Name of Director/Head of Service

Lee Colyer / Carlos Hone

Background Papers

None

APPENDICES TO REPORT

NONE