

# Planning Enforcement Activity for Period 1 October 2022 to 31 March 2023

**To:** Planning Committee

**Date:** September 2023

**Main Portfolio Area:** Planning

**Author of report:** Peter Hockney: Development Manager

**Classification:** Non-exempt

**Ward:** All wards

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## 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 October 2022 to 31 March 2023.

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## Report status

For information

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## Route to Implementation/Timetable:

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

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## 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 has been delayed from around May/June time.
- 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 October 2022 to 31 March 2023. 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 October 2022 to 31 March 2023	Number of New Cases 1 April 2022 to 30 September 2022
Advertisements	2	4
Article 4 Creation	0	2
Breach of Conditions/Breach of Approved Plans	29	39
Change of Use	5	24
High Hedge Complaints	3	10
Unauthorised work to Listed Buildings	5	15
Unauthorised work to Protected Trees	5	11
Operational Development	62	80
Waste/Untidy Site	6	9
<b>TOTAL</b>	<b>117</b>	<b>194</b>

2.2 The geographical spread of new cases received in the period 1 October 2022 to 31 March 2023 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								1		1
Bidborough			1					2	1	4
Brenchley & Matfield			3	1				1	1	6
Capel			1		1			1		3
Cranbrook & Sissinghurst			2	1				3	1	7
Frittenden								2		2
Goudhurst			1					1		2
Hawkhurst						1		4		5
Horsmonden			4	1		1		6		12
Lamberhurst			1					2		3
Paddock Wood			4					2		6
Pembury							1	6		7
Rusthall							1			1
Sandhurst								2		2
Southborough	2		1					3		6
Speldhurst			4			2	1	1		8
Tunbridge Wells			7	3	2	1	2	24	3	42

- 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 as an extract from the Councils Enforcement Strategy (2010):

#### **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 by 77 (39.5%). For the period 1 April 2022 to 30 September 2022 there were 176 complaints received, and for the most recent 6 month period a total of 117 complaints were received.
- 2.4 The Councils Planning Enforcement Strategy is available on the TWBC website. It has recently been the subject of a review by officers, members of Planning Policy Working Group and Parish Chairs. A Planning Enforcement Strategy 2023 update will be uploaded onto the TWBC website in due course.

### 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

	<b>October to December 2022</b>	<b>January to March 2023</b>
<i>Number of enforcement notices issued</i>	0	2
<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>	1	0
<i>Number of Injunctions</i>	0	0
<i>Article 4 Directions</i>	0	0

### 3.5 Prosecutions

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

<b>Location</b>	<b>Defendant</b>	<b>Decision</b>
N/A	N/A	N/A

### 4.0 Appeal Decisions

- 4.1 Between 1 October 2022 and 31 March 2023 one appeal decision following enforcement appeals have been received.

<b>SITE</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DATE</b>	<b>COMMENTS</b>
Former PF Skeet Yard, Talbot Road, Hawkhurst	Without planning permission the unauthorised construction of a wooden and metal 'retaining mechanism' on the land adjacent to the boundary of the neighbouring property to the north east known as The Hollies	Part fail/part succeed	01.03.23	Appeal on Grounds (b) and (c) fails; Appeal on grounds (f) and (g) succeeds to limited extent. Period for compliance varied to nine months

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

- 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
- The Mobile Home At Crowbourne Orchard, Smiths Lane, Goudhurst
- 80 London Road, Southborough
- The Meadows, Pastheap Farm Hastings Road, Pembury (Fence)
- Isaacs Farm Livery, Franks Hollow Road, Bidborough
- The Meadows, Pastheap Farm Hastings Road, Pembury (Riding Arena)
- OS Plot 3417, Blind Lane, Goudhurst

## 5. Cases Closed

5.1 There were 94 enforcement cases closed during the period 1 October 2022 to 31 March 2023. The table below outlines the reasons for the closure of cases, with over half of the cases (49) not being a breach of planning control. This represents 52% of the total of complaints closed during the period, which is a high number of investigations having to be undertaken where there is no material breach. A review of the TWBC Planning Enforcement webpages may help with a reduction in the amount of these complaints received.

Closure Reason	No Breach	Permission Granted	Compliance Achieved without Formal Action	Compliance Achieved with Formal Action	Not Expedient	No Evidence	Total
	49	23	12	1	4	5	94

5.2 Since summer 2022 the Enforcement Team has been understaffed in that 2 officers left and only one officer remained in post. Further turnover of staff occurred in the period in early 2023.

5.3 Successful recruitment has since been undertaken and there are two permanent full time officers in post at the current time. As a result there is a greater level of resource to deal with the outstanding enforcement investigations. On the 1<sup>st</sup> April 2023 there were 245 open enforcement cases that were being investigated.

5.4 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

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**Name of Director/Head of Service**

Lee Colyer / Carlos Hone

**Background Papers**

None

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**APPENDICES TO REPORT**

NONE