

PLANNING ENFORCEMENT UPDATE

Development & Conservation Advisory Committee -2 December 2021

Report of: Deputy Chief Executive and Chief Officer Planning & Regulatory

Status: For consideration

Key Decision: No

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: Tom Fry, Ext. 7486

Recommendation to Development & Conservation Advisory Committee):

That the contents of the report be noted.

Reason for recommendation: This report to provide an update regarding our already implemented and future thinking and plans for the Planning Enforcement team.

Introduction and Background

- 1 This report has come to the Advisory Committee to provide an update of the current work and future ideas for the Planning Enforcement team and how these future ideas can be implemented to aid both the team and the customer.
- 2 The Planning Enforcement team is currently in a settled place with the following officers in post:
 - Tom Fry - Planning Enforcement Team Manager
 - Ronald Tong - Senior Planning Enforcement Officer
 - Maria Payne - Planning Enforcement Officer
 - Rebecca McDonald - Trainee Planning Enforcement Officer
 - Jason Grove - Temporary Senior Planning Enforcement Officer (until March 2022)
- 3 The team is also supported by Sarah Godman and Joshua Shears from the Support team, both providing administration support as well as assistance with Section 106 and Community Infrastructure Levy queries and compliance.
- 4 The Officers in place make up a relatively new team that is settled and enthusiastic about the work they can do within the district. This is a well-resourced team which demonstrates the Council's commitment to the

Planning Enforcement function. Each Officer has a designated area within the district to investigate enquiries and specialise in the knowledge of this area along with the local constraints in respect of planning control.

- 5 The Officers within the Planning Enforcement team (and Support team) are supported by the Team Manager and the Planning Standards & Improvements Manager on a daily basis, as well as colleagues from the two Development Management teams.
- 6 Members are advised about new cases in their respective Wards and the Portfolio holder is briefed as appropriate on more contentious cases.
- 7 Case numbers are down slightly on last year which has helped the team deal with a historic set of cases from previous officers. At the time of writing this report (5 November 2021) we have just registered our 463rd enquiry on the year; at this stage in 2020 we had registered 537 enquiries.
- 8 There does not appear to be any pattern or reason as to why we have received fewer complaints than last year but it is expected that the lockdowns from 2020 had an effect on last year's case numbers.
- 9 As stated, we do have some historic cases left by previous officers that we are working through. At one point towards the end of 2020 this was significant but current officers have done a really efficient and professional job of getting these cases resolved or taking action where necessary.
- 10 In the early part of the year a lot of work was put in to reviewing the previous [Enforcement Plan](#) and bringing it up to date. The new Enforcement Plan came in to effect in Summer 2021 and thus far appears to have made the Planning Enforcement processes that the Council undertake easier for the customer to understand and take on board.
- 11 Officers within the Planning Enforcement team have also stated that the new Enforcement Plan is an aid should they need any guidance with any of their case work.
- 12 During Summer 2021 we also introduced an improved [online](#) reporting form which was brought in to help both customers and staff. The updated form allows for photos to be submitted as part of any enquiry which gives officers a good starting point to begin an investigation.
- 13 The improved reporting form is more streamlined and simpler for the customer to use whilst also allowing them to be more precise on the location of the potential breach, which again helps officers to begin their investigation.

- 14 Since the beginning of the coronavirus pandemic we have seen an increase in land agents attempting to sell individual plots on wider areas of land in the district. This has seen a need arise for the Council to intervene in certain situations and place Article 4 Directions on parcels of land to restrict some developments that are normally allowed under permitted development.
- 15 Between the Planning Enforcement, Development Management and Legal teams we have devised a process and templates so Article 4 Directions can be brought in efficiently and without hesitation.
- 16 Article 4 Directions have been placed on areas of land in Edenbridge, West Kingsdown, Hever, Shoreham, Cowden, Sevenoaks Weald and Penshurst within the last 18 months. To give some context, most local authorities only need to introduce Article 4 Directions every few years (and some local authorities simply don't bother), so to introduce seven sets of restrictions is unheard of and shows how committed the Council is to protecting the land within the district.
- 17 It is clear to see that land agents have taken advantage of the coronavirus pandemic to try and sell people 'the dream' of their own land, when in reality the plots of land have little use other than grazing and the prospect of planning permission for any scheme will likely be viewed unfavourably.
- 18 The sign of a good Planning Enforcement team is one that manages to resolve breaches of planning control without the need for formal action. The team at Sevenoaks is very good at doing this but there have been times over the last year when we will not hesitate to take formal action where required.
- 19 Sites in Fordcombe, Penshurst (x2), Hever, Otford, Crockenhill (x2), Halstead (x2) and Farningham have been the subject of enforcement notices this year. We have also served five Section 215 Notices on various sites around the district for areas of land that are untidy and having an impact on the amenity of the area.
- 20 These sites are regularly monitored to ensure that the notices are being complied with and officers will not hesitate to involve our Legal team should notices not be complied with and require potential court action.
- 21 Internally and externally, strong relationships have been formed with other services and organisations so they can aid the Planning Enforcement team and vice versa.
- 22 Work is currently taking place with the Legal team to establish how we can make processes more efficient and how both services can help each other,

whilst conversations also took place with Environmental Enforcement and Environmental Health as to how different cases should be dealt with and how 'enforcement' as a whole looks to the customer.

- 23 Regular multi-service projects and site visits take place with Environmental Health, Environmental Enforcement, Community Safety and Housing so multiple issues on certain sites can be dealt with by more than just one individual and so knowledge is shared to get the matter resolved in the best way.
- 24 Important external relationships have been a big part of the last years work as certain sites and pieces of land have required the help from the Environment Agency, various departments from Kent County Council and the Police.

The future of the Planning Enforcement team and processes to help the customer

- 25 Moving forward, our aim is for the customer to have faith in the Planning Enforcement team and have trust that we will resolve their enquiry as appropriate to do so. This year we have received fewer service requests and complaints than previously and we aim for this trend to continue.
- 26 There also appears to be a lot of confidence from the wider Council Officers and Members that we are doing a good job and again we aim for this to continue.
- 27 To ensure that the service stays as efficient as possible we will give Officers every opportunity to undertake appropriate training. This could be linked to Planning or their own personal development. The Council offers courses in-house which are facilitated by the Human Resources team and staff can take advantage of these as and when they wish. We are also exploring training courses outside of the Council and chances that may arise for officers to obtain a professional qualification in Planning Development and Planning Enforcement.
- 28 There will also be opportunities for other staff within other services, such as the Support team, to undertake projects that will aid Planning Enforcement and so those staff can learn new skills and knowledge.
- 29 We also intend to make our systems easier for staff to use and with the help of the IT team hope to put together smarter processes within our Uniform system. This may include streamlining the system to make it more user friendly and including templates (such as letters, notices, etc.) that can be easily created.

Key Implications

Financial

As this report is just informative, there are no financial implications regarding this report.

Legal Implications and Risk Assessment Statement.

As this report is just informative, there are no legal implications regarding this report.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero Implications

the decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Appendices

None

Background Papers

[Enforcement Plan](#)

Richard Morris

Deputy Chief Executive and Chief Officer Planning & Regulatory