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## Planning and Transportation Policy Working Group

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 25 January 2024 from 7.00 pm - 7.51 pm.

**PRESENT:** Councillors Monique Bonney (Vice-Chair), Ann Cavanagh (Substitute for Councillor Kieran Golding), Charles Gibson (Substitute for Councillor Mike Henderson), Alastair Gould (Chair), James Hunt, Chris Palmer (Substitute for Councillor Elliott Jayes), Richard Palmer, Karen Watson and Tony Winckless.

**OFFICERS PRESENT:** Paul Casey, Joanne Johnson and Kellie MacKenzie.

**APOLOGIES:** Councillors Kieran Golding, Mike Henderson, Elliott Jayes and Julien Speed.

### 574 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 575 **Minutes**

The Minutes of the Meeting held on 23 November 2023 (Minute Nos. 428 – 434) were taken as read, approved and signed by the Chair as a correct record.

### 576 **Declarations of Interest**

No interests were declared.

### 577 **Enforcement Local Plan - draft for consultation**

The Planning Enforcement Team Leader introduced the report as set-out in the agenda papers.

The Chair invited questions and comments from Members on the draft Enforcement Local Plan 2024 – 27, and the following points were raised:

- Welcomed the Enforcement Local Plan, but concerned that sometimes planning enforcement did not respond quickly enough and referred to listed buildings in the Milton Regis ward and considered the damage to them could have been stopped earlier if planning enforcement had responded sooner;
- referred to Appendix 2, Planning Enforcement Priorities, on page 25 of the report, and asked whether unauthorised development within Conservation Areas (CAs) could be moved to a higher priority category, or even have its own priority category?;
- where did no permanent harm fit within enforcement?;
- the plan was easy to read;
- welcomed the plan but the definition of what was a 'minor' breach of planning varied from person-to-person;
- the search facility on the planning portal needed to be checked. It was currently difficult to search for specific sites if you did not know the correct address. A map search facility would be better;
- would the Leaders Foreword be included before the consultation? The Planning

Enforcement Team Leader confirmed this would be included before the document went 'live'.;

- had an equalities impact been undertaken and how was the gypsy and traveller community consulted?;
- should include within the foreword the scale of the challenge within the document to help manage expectations;
- suggested it be called the Enforcement 'Strategy' rather than Enforcement 'Local Plan' to avoid any confusion with the Council's Local Plan;
- referred to paragraph 3.3 on page 16 of the plan, and surprised that conversion of garages was not considered a breach;
- referred to paragraph 3.4 on page 16 of the report and asked whether the council could use the what3words system on the Council's website?;
- referred to paragraph 4.1 on page 17 of the report, and considered that for Tree Preservation Orders and Listed Buildings, visiting the site within two working days was too long a time period. The Planning Enforcement Team Leader confirmed that it should say same day visit.;
- referred to paragraph 4.1 and reference to bringing third parties onto land, would the Council use CCTV or bodycams?. If so that should be included within the plan. The Planning Enforcement Team Leader confirmed that they did not use CCTV or bodycams;
- referred to paragraph 5.1 on page 20 of the report, and considered asking complainants for a 30 day log for suspected Change of Use (COU) was "a bit much", and it needed to be clear what they were expected to log;
- needed to be clearer on what 'adjacent to highway' included;
- referred to appendix 2 of the report and Visit Response times and queried if it should say 'working days' rather than just 'days'?; The Planning Enforcement Team Leader confirmed it was working days and agreed to update the table; and
- a mechanism was needed for residents to highlight any serious breaches that might occur at weekends. The Enforcement Team Leader referred to the Council's Out of Hours facility.

In response the Planning Enforcement Team Leader said that with regard to enforcement response times, each case was considered on its merits in terms of the level of harm. He said that Temporary Stop Notices were a useful tool which the enforcement team used regularly and served in conjunction with an Enforcement Notice (EN). The Planning Enforcement Team Leader explained that CAs were already subject to certain restrictions but asked Members if they had any specific concerns to contact him and officers would consider whether they could be included within the plan. He gave an overview of what they considered to be a minor breach and explained that every Local Council had a different 'tolerance' level.

With regard to the planning portal, the Planning Enforcement Team Leader advised that 'live' planning enforcement investigations were not available on the planning portal on the website. To search previous ENs on the planning portal, it was important to ensure the 'Enforcement' tab was clicked first and it would list all ENs served since 1990. Any ENs wanted before 1990 would require officers to search manually. He agreed to liaise with the IT team at Maidstone Borough Council about the search facility, and also whether 'what3words' could be added.

The Planning Enforcement Team Leader explained that with regard to Gypsy and Travellers, the Council liaised with the Gypsy and Traveller Counsel and other agencies

that acted as mediators. He added there was a lot of background work and officers would always check if there were any health or welfare issues before taking any necessary enforcement action. The Planning Enforcement Team Leader said that integral garages converted to a study or similar were not a breach of planning and did not require planning permission, and he clarified what was considered a COU for Members in respect of Airbnbs. He explained that complainants were asked to keep a log when a COU was suspected in order to assist enforcement officers to build-up a picture of what they were experiencing, and officers could not act on one-off incidents.

The Interim Head of Planning Services said that the document could be called the Enforcement 'Strategy', and included within the Foreword, what the National Planning Policy Framework (NPPF) referred to as a 'Local Plan'. This was supported by Members.

***Recommended:***

- (1) That the proposed amendments to the draft Enforcement Local Plan 2024 – 27 as minuted be considered.***
- (2) That the launch of a consultation period on the draft Plan commenced.***

578 **Local Plan Review**

The Chair reminded the Working Group that in September 2023 they had recommended to the Policy and Resources Committee to defer a decision as to a timescale for the future stages of the Local Plan Review until the national planning landscape was clearer. The Chair asked that following the publication of the revised NPPF, was it the Working Group's view that the national planning landscape was clearer, and it was right for officers to develop a timescale for the Local Plan review to be brought to the Working Group at the first opportunity? Members agreed that it was.

***Recommended:***

- (1) That following the publication of the revised National Planning Policy Framework on 19 December 2023, it was the Planning and Transportation Policy Working Group's (PTPWG) view that the national planning landscape was now clearer, and it was right for officers to develop a timescale for the Local Plan review to be brought to the PTPWG at the first opportunity.***

Chair

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All minutes are draft until agreed at the next meeting of the Committee/Panel