

Request from Steering Committee that Planning Committee agree a further 3-month time extension (from the 9 months already agreed) for submission of an alternative application for land at Pilgrims Retreat, Hogbarn Lane, Harriestsham.

Final Decision-Maker	Planning Committee
Lead Head of Service	William Cornall – Director of Regeneration and Place Rob Jarman – Head of Planning and Development
Lead Officer and Report Author	James Bailey – Development Manager on behalf of the Steering Group appointed by Planning Committee.
Classification	Public
Wards affected	Harrietsham and Lenham

Executive Summary

Members of the Steering Group have requested that a recommendation be made to the Planning Committee to extend the time period by a further 3 months from that already resolved by Planning Committee to enable an alternative planning application within the terms set out in consultation with the Steering Group to be submitted. This would extend the period for submission of an alternative application from 9 to 12 months, with the latter expiring on 27 February 2021. This would hold in abeyance enforcement action at Pilgrims Retreat for a further 3 months unless a planning application is submitted on or before 27 February 2021 within the terms set out in consultation with the Steering Group. The main reason for this extension request is due to the time taken to submit the Steering Group's initial negotiating position to the applicant on 24 June 2020. A failure to submit the application on or before 27 February 2021 will result in enforcement action being taken in accordance with this Committee's Resolution of 27 February 2002.

Purpose of Report

For Decision

This report makes the following recommendations to this Committee:

Agree a further 3-month extension to the 9-month period which allows for the submission of a further alternative application within the terms set out in consultation with the Steering Group. This would require an alternative application

to be submitted on or before 27 February 2021.

Timetable	
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<i>Meeting</i>	<i>Date</i>
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Planning Committee	26 November 2020

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> • <i>Embracing Growth and Enabling Infrastructure</i> • <i>Safe, Clean and Green</i> • <i>Homes and Communities</i> • <i>A Thriving Place</i> <p><i>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's ability to continue to negotiate with the site owners to reach an acceptable negotiating position.</i></p>	Rob Jarman
Cross Cutting Objectives	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> • <i>Heritage is Respected</i> • <i>Health Inequalities are Addressed and Reduced</i> • <i>Deprivation and Social Mobility is Improved</i> • <i>Biodiversity and Environmental Sustainability is respected</i> <p><i>The report recommendation supports the achievement of the Biodiversity and Environmental cross cutting objectives by seeking to continue discussions with the site owner to seek an acceptable mitigated solution to the issues at Pilgrims Retreat.</i></p>	Rob Jarman
Risk Management	Already covered in the risk section	James Bailey
Financial	<ul style="list-style-type: none"> • If an acceptable negotiating position is achieved, which results in a positive outcome in terms of a permission for the site, there would be no need to serve the enforcement 	Section 151 Officer & Finance Team

	notices on the site.	
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman
Legal	<ul style="list-style-type: none"> • Enforcement action is a discretionary function of the local planning authority. Extending the time limit to enable further discussions to take place prior to the enforcement notices being served to accommodate a further planning application to regularise the site will still allow the local planning authority to meet the requirements of the Town and Country Planning Act 1990 (as amended). • Acting on the recommendations is within the Council’s powers as set out in the constitution. 	Susan Mauger and Russell Fitzpatrick (MKLS (Planning))
Privacy and Data Protection	<ul style="list-style-type: none"> • Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules. 	Policy and Information Team
Equalities	We recognise that the decision Planning Committee made to issue Enforcement Notices on Pilgrims Retreat if an amended application has not been submitted would have an impact under S149 of the Equalities Act and Article 8 and Art 1 of the First Protocol of the Human Rights Act 1998. This request for an extension of time to this timeframe gives the applicant further time to submit an application to see if an acceptable planning application can be submitted.	James Bailey
Public Health	We recognise the original recommendations may have varying impacts on the health of individuals within Pilgrims Retreat and the surrounding population. Displacement of individuals is likely to cause them distress. An extension of time to delay the issuing of the notices and seek an acceptable planning submission is likely to be beneficial to the residents. It is also recognised that the site is not served by public transport and therefore access by existing residents, many of whom are elderly, to core facilities and services is only obtained by car without the ability to mitigate against the impacts of permanent residential	Public Health Officer

	homes with community infrastructure or affordable housing.	
Crime and Disorder	The recommendations are not considered to have a negative impact on Crime and Disorder. However, the Community Protection Team have been consulted in the event that such matters arise.	John Littlemore
Housing	We recognise the original recommendations may have an impact on the Housing Team in terms of providing housing advice in the early stages and the possibility of providing more in-depth advice should any resident become threatened with homelessness. An extension to this timeframe enables further discussions to take place and increases the likelihood of an acceptable application being submitted that may reduce the risk of homelessness.	John Littlemore
Licensing	The Council has issued a Caravan Site License for 198 caravans comprising 18 permanent residential mobile homes; 9 holiday caravans/mobile homes of the same type as the permanent residential ones but only to be used for holiday purposes; and; 171 static holiday caravans/mobile homes for holiday use only. This licence is valid, however it no longer reflects the number of caravans permitted on the site and therefore the site is being operated in breach of the site license. An extension to the time period for serving the enforcement notices whilst seeking an acceptable planning solution will have any impact on the License.	John Littlemore

2. INTRODUCTION AND BACKGROUND

2.1 At the meeting held on 27 February 2020, a report was presented to the committee seeking authority to serve Enforcement Notices at Pilgrims Retreat, Hogbarn Lane, Harriestsham. A copy of the report can be viewed [here](#) (see item 19).

2.2 At that meeting members resolved:

1. *That delegated authority be given to the Head of Planning and Development in consultation with a Steering Group comprising the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee (to include Councillor Chappell-Tay as the Spokesperson for the Conservative Group) and the two Ward Members to establish terms of reference and a negotiating position*

and to engage with the applicant regarding the submission of an alternative planning application within the terms set out in consultation with the Steering Group within a maximum timeframe of nine months.

2. *That if the application is not submitted within the terms set out in consultation with the Steering Group and within this timeframe, or if negotiations fail, then the Head of Planning and Development be given delegated authority to proceed with Option 1 as set out in the report which is to serve two Enforcement Notices (with separate red line boundaries) at Pilgrims Retreat, Hogbarn Lane, Harrietsham, Kent with the aim of achieving the following:*

- *Reduction in the number of caravans on site to 198 - Compliance time 24 months.*
- *Removal of all caravans, materials, rubbish etc. from the site as a result of the above – Compliance time 30 months.*
- *Cease the permanent residential use of 180 of the 198 caravans that remain on site - Compliance time 48 months.*
- *Restore the southern part of the site to accord with the layout plan as approved under 13/1435 (attached at Appendix B to the report) and remove all walls, domestic paraphernalia, retaining walls, hard surfacing and internal roadways etc. outside the developed areas defined on the plan – Compliance time 48 months.*
- *Restore the site in accordance with a specified landscape strategy – Compliance time 48 months.*

Voting: 13 – For 0 – Against 0 – Abstentions

- 2.3 A copy of the minutes for that meeting is available [here](#) (see item 213).
- 2.4 The resolution required an alternative application to be submitted by 27 November 2020.
- 2.5 The Steering Group was set up and its terms of reference established, however the country went into lockdown soon after the member resolution cited above with the Covid-19 pandemic.
- 2.6 The first virtual meeting of the Steering Group took place on the 30 April with a follow-on meeting held on the 13 May 2020. A first response was sent to applicant on the 24 June 2020.
- 2.7 Since that time there have been numerous virtual meetings of the Steering Group with responses being sent by the group and responses being received from the applicant and relayed back to the Steering Group.
- 2.8 Progress has been made on the negotiating position, however in its latest letter dated 8 October 2020, amongst other matters raised, the applicant's agent requested an extension to the 9-month time limit imposed on the timeframe for submission of an alternative application, without which, authority was granted to serve enforcement notices in the terms set out in 2.2 above.

- 2.8 At the last meeting of the Steering Group where the above referenced letter was discussed, it was agreed that due to the time it had taken for an response from the Steering Group to set out its initial negotiating position (24 June 2020) to the applicant, that a request should be made to the Planning Committee for a short extension of the time limit (**no more than 3 months**) to enable the progress made on the negotiating position to be included within a revised application.
- 2.9 It is not the purpose of this report to set out the current negotiated position of the Steering Group, as this matter has been delegated to the Steering Group. The purpose of this report is to set out the Steering Group's request to Planning Committee to agree a further 3 month extension to the time period i.e until 27 February 2021 to allow the applicant to submit an alternative application "*within the terms set out in consultation with the Steering Group*" without the requirement to serve enforcement notices post 27 November 2020 (this is the date that Part 2 of the resolution cited in paragraph 2.2 applies).
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3. AVAILABLE OPTIONS

- 3.1 This report does not seek to put forward suggestions for reconsideration of the resolution made by Planning Committee on 27 February 2020 but presents a request by members of the Steering Group to allow a further 3 months for the applicant to submit an alternative application prior to Part 2 of the resolution as set out in paragraph 2.2 above taking effect.

Option 1 – Agree a further 3-month extension to the 9-month period which allows for the submission of a further alternative application within the terms set out in consultation with the Steering Group. This would require an alternative application to be submitted on or before 27 February 2021 and to take the enforcement action authorised by this Committee at its meeting on 27 February 2020 in the event that the planning application is not submitted.

Option 2 – Do not agree a further extension of time to the current 9-month period which expires on 27 November 2020 and to proceed with taking the enforcement action authorised by this Committee at its meeting on 27 February 2020.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members of the Steering Group have agreed that a request be put forward to the Planning Committee seeking an extension of the current 9 month time period by 3 months to allow an alternative planning application to be considered by the committee within the terms set out in consultation with the Steering Group. The main reason for this being the time taken to provide an initial response to the applicant on the Steering Group's negotiating position.

- 4.2 The effect of this would be to hold in abeyance any potential enforcement action at Pilgrims Retreat by 3 months, pending which if an application is submitted which follows the terms set out as the Steering Group's negotiated position, then no further enforcement action would be considered until the outcome of the alternative application is known.
- 4.3 If Option 1 is not agreed, then the time for submitting the alternative planning application expires on 27 November 2020 and the enforcement action authorised by this Committee at its meeting on 27 February 2020 will be taken. At the time of writing this report, no application has been submitted.
- 4.4 Members of the Steering Group therefore recommend Option 1 is the best option of realising an alternative application within the terms set out in consultation with the Steering Group.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If Option 1 is approved, the Steering Group will continue negotiations with the applicant regarding its negotiating position for a short period of time pending the hopeful submission of an alternative application.
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7. REPORT APPENDICES

- 7.1 No appendices have been attached to this report as hyperlinks have been provided to the necessary documents.
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