

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

12 JANUARY 2012

REFERENCE FROM COUNCIL

1. PETITION CALLING UPON THE COUNCIL TO HELP PROTECT THE OPEN COUNTRYSIDE AROUND WIERTON, CHART SUTTON, BOUGHTON MONCHELSEA AND THE GREENSAND WAY

1.1 At the meeting of the Council held on 21 September 2011, Mr Jonathan Gershon presented a petition in the following terms:-

We the undersigned call upon Maidstone Borough Council to maintain and secure the beauty, tranquillity and rural character of the unique areas of Wierton, Chart Sutton, Boughton Monchelsea and the Greensand Ridge. In order to halt the destruction of the rural landscape, we demand that:-

1. The Greensand Ridge and the Greensand Way are protected from development. That the access to and rural nature of the walk, and views across and from the Weald are maintained.
2. Any planning development is in keeping with the open countryside.
3. Any development at Wierton Place is in keeping with the scale, appearance and character of the Grade 2 designation, involves the restoration of the Manor House and Greenhouse and is restricted to those buildings currently used as residential.
4. Maidstone Borough Council co-ordinate with Kent County Council and other agencies to act swiftly to enforce established planning policies in dealing with all unlawful developments.

1.2 The Council agreed that the petition be referred to the Cabinet (to be considered as a representation on the Core Strategy), the Planning Committee (in so far as it relates to "live" planning applications and enforcement generally) and the Regeneration and Economic Development Overview and Scrutiny Committee (to consider the policy implications and make recommendations to the Cabinet as appropriate).

1.3 RECOMMENDED: That the Planning Committee consider the petition in so far as it relates to enforcement generally in the following report.

2 Planning Enforcement

- 2.1 The petition related generally to the protection of the countryside and the character of the areas around Wierton, Chart Sutton, Boughton Monchelsea and the Greensand Way. Specifically, in the fourth point of the petition it stated:-

Maidstone Borough Council co-ordinate with Kent County Council and other agencies to act swiftly to enforce established planning policies in dealing with all unlawful developments.

- 2.2 The consideration of suspected breaches of planning control is mandatory but enforcement action is discretionary. It is taken against unauthorised development when it is expedient to do so. The Council undertakes its planning enforcement function in accordance with its 'Planning Enforcement Policy Statement' (February 2010).

- 2.3 When considering whether it is expedient to take formal enforcement action the following matters are considered:-

- The degree of harm being caused.
- Whether or not a negotiated solution is likely to be achieved.
- Whether it is a suitable course of action in comparison with other legislation.

- 2.4 As part of all enforcement investigations officers work closely with other sections within the Council (e.g. Environmental Enforcement), Kent County Council (e.g. Highways or Planning) and other bodies such as the Environment Agency where the need arises. This is either to gain a specialist view on a breach of planning control or to establish the suitable course of action by comparing the strength of differing legislation.

- 2.5 From 1 April 2011 to 31 December 2011 there have been eleven enforcement notices served; ten in the rural area and one in the urban area. These notices include six against three gypsy sites within Boughton Monchelsea Parish, the area made reference to in the petition. An appeal was made against the issuing of these notices and was heard by an inspector at a two day public inquiry held in November.

- 2.6 The petition makes specific reference to unauthorised gypsy development and the perceived lack of action by the Council. However, nine of the eleven enforcement notices served within the above period were against gypsy development and each of these are being defended through the appeal process.

- 2.7 In addition, there have been a further 10 formal notices served with regard to other sites in the Borough in the same period being a Breach of Condition Notice, Planning Contravention Notices and Section 330 Notices.
- 2.8 The backlog of enforcement cases (those cases without an initial recommendation) has been reduced significantly over recent years from over a few hundred to now less than 50. It is anticipated that this backlog will reduce further.
- 2.9 The reduction of the backlog of cases has been achieved without detriment to the investigation of the new cases. There have been a total of 410 new investigations opened in the period 1 April 2011 to 31 December 2011 (an average of 46 cases per month). Over the same period there have been a total of 454 cases closed (an average of 50 cases per month). At the current time (31 December 2011) there are 366 open enforcement investigations within the team.
- 2.10 The Council undertakes its planning enforcement function in accordance with its established policy and has sought to address unauthorised development in the area identified by the petition through the issuing of six enforcement notices. It is an important part of all investigations that officers cooperate with other agencies when the need arises and this will continue to be the case.