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TONBRIDGE AND MALLING BOROUGH COUNCIL

PARISH PARTNERSHIP PANEL

MINUTES

Thursday, 21st November, 2024

Present: Cllr R W Dalton (Chair), Cllr Mrs M Tatton (Vice-Chair),
Cllr Mrs S Bell, Cllr R P Betts and Cllr S Crisp.

Together with representatives of Birling, Burham, Ditton, Hadlow, Hildenborough, Ightham, Kings Hill, Plaxtol, Snodland, Stansted, Wateringbury, West Malling and Wrotham Parish Councils, County Cllr S Hudson and County Cllr H Rayner and representative of the Kent Association of Local Councils (Tonbridge and Malling).

Virtual attendance: Councillor M R Rhodes was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors B Banks*, M D Boughton, P Boxall*, M A Coffin, M Taylor*; Borough Green (Vice-Chair - S Butterfill)*, East Peckham*, Offham*, Platt*, Shipbourne* and County Cllr Mrs S Hohler*.

(*apologies for in-person attendance were received but participated via MS Teams).

PART 1 - PUBLIC

PPP 24/17 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members.

PPP 24/18 MINUTES

RESOLVED: That the Minutes of the meeting held on 29 August 2024 be approved as a correct record and signed by the Chairman.

PPP 24/19 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES

- **Minute Number: PPP 24/16 – (5) Kent County Council Updates**

Kent County Councillor H Rayner provided the Panel with follow up updates in respect of a number of issues he had reported at the last meeting, with implications for the borough:

- Review of road projects – a decision on the Lower Thames Crossing project had been postponed to May 2025 by the Government, with implications for the associated road network works;
- Transport and buses – a £23 million subsidy, as part of a £1 billion funding boost announced by the Government for bus services, was expected to be allocated to the County Council to support and improve provision of bus services in the county;
- VAT addition to private school fees – impact on the County Council had yet to be confirmed, however impact on those in independent schools with Special Educational Needs and Disabilities (SEND) but without an Education, Health and Care Plan (EHCP) was anticipated to be severe;
- EU Entry/Exit System – the scheme had been postponed indefinitely; and
- Asylum seeking children – situation within the county had improved substantially, in terms of the number of children both arriving and departing.

Councillor H Rayner also provided a brief update on a number of new issues, as follows:

- Devolution – discussion continued with the Ministers;
- Impact of the Budget on the County Council – given the large number of people directly or indirectly employed by the County Council working in Social Care, the impact of the increase of the National Living Wage and Employer's National Insurance on the County Council was anticipated to be detrimental; and
- Winter Fuel Payment – support was available from the County Council to assist those eligible to make claim applications.

PPP 24/20 INTRODUCTION OF CHIEF EXECUTIVE AND FUTURE WORKING WITH PARISH/TOWN COUNCILS

The new Chief Executive of the Borough Council, Mr D Roberts, expressed his appreciation to the Chair and the Panel for the invitation to attend the meeting and the opportunity to share thoughts on future working with parish and town councils.

Firstly, the Chief Executive acknowledged and applauded the significant role played by the parish and town councillors, in collaboration with the Borough Council, in contributing to the improvement of 'local democracy' by bringing residents and communities together and delivering positive changes on the ground.

Furthermore, the Chief Executive stressed the importance of prevention and recognised areas where increasing challenges and additional demands were faced across the public sector, and how collaboration and partnership working were necessary to deliver value for money and to build greater trust in public institutions at a time when there was greater concern in the community about the risks of both misinformation and disinformation. He praised the parish and town councillors for being courageous in championing the challenges in their local communities and for setting an example for the younger generation about the importance of public service, and working together to make a difference in the community.

The speech was well received by both the borough and parish and town councillors, who endorsed the views of the Chief Executive and commented on the key parts that transparency and engagement played in their work to support the local democratic process.

PPP 24/21 UPDATE ON CLIMATE CHANGE INITIATIVES AND COMMUNITY ENERGY PROJECT

The Cabinet Member for Climate Change, Regeneration and Property (Cllr R Betts) invited Jennifer Bate, from Shipbourne Parish Council, to provide a presentation on the development of their Parish's Climate Change Strategy and Action Plan, the progress that had since been made by the 'Climate Action Shipbourne and Plaxtol' (CASP) in collaboration with the Plaxtol Parish Council and their recent application for the Community Energy Fund (CEF) with the assistance of the Community Energy South (CES).

During the presentation, particular attention was drawn to a digital Impact Tool to help calculate the community's carbon footprint and identify areas where taking action to tackle climate change could make the biggest difference. Round table discussions were also considered useful in identifying potential barriers to the transition to renewable fuels, which fundings could therefore be reflected in the CEF application. Furthermore, a brief introduction to the CES and the Community Energy Pathways (CEP) programme was provided and parish and town councils were encouraged to engage with the CES to explore partnership and funding opportunities to help deliver their climate change agenda. Finally, the parish and town councils were encouraged to make contact with the Shipbourne Parish Council should they wish to find out more information about the Climate Change Strategy and/or the process to seek support from various organisations and to submit a bid for the energy funding.

The Cabinet Member for Climate Change, Regeneration and Property thanked Ms J Bates for sharing the valuable experience and information with the Panel and it was noted that a copy of her presentation slides, containing links to useful information, was attached in the published agenda for reference by the Panel Members. The Chair of Kent

Association of Local Councils (Tonbridge and Malling) (Cllr S Barker) also welcomed the presentation and offered to promote the useful information shared within the Association.

In addition, the Cabinet Member for Climate Change, Regeneration and Property introduced to the Panel the first edition of a quarterly Climate Change Bulletin for Parish and Town Councils, published as part of the agenda, presenting an update on the climate change actions undertaken by the Borough Council. Particular reference was made to a successful bid of the Borough Council in securing a £1.5m award grant to support further decarbonisation improvement at the Larkfield Leisure Centre. The Cabinet Member for Planning (Cllr M Taylor) commented on the climate change policy being an important element within the Local Plan process and confirmed that efforts would be made to ensure climate change mitigation would be built into the development of the new Local Plan.

PPP 24/22 OVERVIEW AND IMPROVEMENT OF PLANNING ENFORCEMENT

In response to a query raised by the Chair of Kent Association of Local Councils (Tonbridge and Malling) in respect of the Borough Council's Planning Enforcement team and how they planned to tackle outstanding case backlogs, a presentation was given to the Panel Members by the Head of Planning (J Bailey) and the Principal Enforcement Officer (S Cullen) with key information provided on the type of matters that could be considered under the remit of Planning enforcement, an overview of the general workflow in terms of case investigations, including priorities set by the Planning Enforcement Plan based on the significance of harm to and impact on listed buildings, protected trees, conservation areas and residents, and a brief introduction of the enforcement tools that were available to the service. A copy of the presentation slides was attached to the Minutes at Annex 1.

It was appreciated by the Panel that an investigation of an enforcement case was complex by nature and would therefore take a long period of time to progress, although it was also acknowledged that communication had been identified as a development point through audit and improvement actions would be taken by the service accordingly.

In addition, there was concern raised over the unavailability of the enforcement service over the weekends and public holidays and the timing of certain offences taking place. Panel Members were advised that retrospective prosecution could be undertaken if considered appropriate, however, the importance of collecting strong evidence to support any potential prosecution was reinforced. It was also noted that parish and town councils had been granted a certain level of access to information on opened and closed enforcement cases in respective areas, however, due to the confidential nature of the information given that they related to on-going investigations and potential prosecutions, it

was not possible to make the information more widely accessible by the general public.

As highlighted by the Chief Executive, communications on any successful prosecutions should be encouraged to be widely spread to the communities to serve as an effective deterrent to future offences.

Finally, the Chair reminded all parish and town councils to raise concerns on any specific enforcement cases directly with the Planning Enforcement team by emailing to planning.enforcement@tmhc.gov.uk.

PPP 24/23 COMMUNITY ENFORCEMENT TEAM REVIEW

Following an introduction by the Cabinet Member for Community Services (Cllr D Keers) setting out the purpose of the initiative to trial an Anti-Social Behaviour Community Enforcement Team (the 'ASB Team'), the Head of Service for Licensing, Community Services and Customer Services (A Garnett) provided the Panel Members with an overview of the pilot project that had taken place across the borough between March and September 2024.

As highlighted during the presentation, the pilot work pattern of the ASB Team enabled them to follow a set programme managed by the Community Safety Team of the Council whilst retaining the flexibility to respond to 'real time' ASB activities that were reported through intelligence. As a result, the ASB Team had achieved a high-profile visible impact throughout the borough and a reassuring presence to residents, local businesses, interested parties and visitors to Tonbridge and Malling. Positive feedback had also been received in respect of the engagements carried out by the Team with young people, local businesses and parish councils. In comparison with neighbouring local authorities in Kent, a significant drop in the percentage of ASB incidents reported in Tonbridge and Malling between April and September 2024 was acknowledged and welcomed.

Furthermore, it was noted that the ASB Team were accredited under the Community Safety Accreditation Scheme (CSAS) by Kent Police, giving them the powers to request name and address, seize alcohol, deal with begging, and stop a moving vehicle.

The achievements of the ASB Team were well received by the Panel Members, although it was acknowledged that parish and town councils could have benefited from more frequent and wider communications on the team and their activities.

As advised by the Cabinet Member for Community Services, the next step was to engage with external stakeholders, including parish and town councils, to invite feedback on the pilot and explore funding opportunities to support the ASB Team service so that it could be

provided again in 2025, with an improved team structure to enhance coverage across the borough.

It was suggested that parish and town councils be encouraged to send feedback to the Cabinet Member for Community Services and the Head of Service for Licensing, Community Services and Customer Services so that their inputs could be taken into account when consideration was given to the provision of an ASB Team service by the Council in the future. The Cabinet Member for Community Services also suggested that the senior Team Leader of the ASB Team be invited to address the Panel to respond to questions and provide more information so as to strengthen communication with parish and town councils.

PPP 24/24 ANY OTHER BUSINESS

(1) Biodiversity Net Gain – Implications for Parish/Town Councils

Parish and town councils were advised to refer to the following links for useful information:

<https://www.kentwildlifetrust.org.uk/blog/kent-bng-site-register>

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

The Chair of Kent Association of Local Councils (Tonbridge and Malling) offered to circulate the information, together with a video from the Department for Environment Food and Rural Affairs (DEFRA), via the Association to promote awareness amongst parish and town councils.

(2) Update on the National Planning Policy Framework (NPPF) and the Local Plan

The Head of Planning provided the Panel with a brief update on the progress with the new Local Plan.

It was noted that a report had been presented to the Housing and Planning Scrutiny Select Committee on 24 September 2024, setting out the Council's response to the NPPF consultation and the implications of proposed reforms to the NPPF for the Council. In addition, a further report on a Local Plan Engagement Strategy had been prepared for the Scrutiny Select Committee of 3 December 2024, within which an Engagement Plan was to be proposed aiming at improving communication between Borough Councillors, parish and town councils and Council Officers.

The Cabinet Member for Planning endorsed the engagement plan approach to be proposed and encouraged local Ward Members to

Speak with their respective parish and/or town councils so as to ensure their inputs were fed back and taken into consideration as part of the Engagement Strategy.

The Chair of Kent Association of Local Councils (Tonbridge and Malling) took the opportunity to invite an officer from Planning Services to attend a meeting of the Association scheduled for 12 December 2024.

(3) Information on insulation of old houses on the Council website

In response to a question raised by the Parish Vice-Chair (Cllr S Butterfill) on behalf of Kent Association of Local Councils (Tonbridge and Malling) on information about insulation of historic and listed buildings and properties within the Conservation Areas, Borough Vice-Chair (Cllr M Tatton) provided the following link for useful information on the Council website:

<https://www.tmbc.gov.uk/housing/energy-efficiency>

The Head of Planning added that apart from Historic England, it was also advisable to seek advice from the Council's Planning Department if any works to Listed Buildings or unlisted buildings in Conservation Areas would require planning permission and this could be done via the pre-application service provided by Planning Services.

(4) Review of Parish Partnership Panel

As it was suggested that a review of the operation of the Parish Partnership Panel be undertaken at the same time as the review of the operation of the Tonbridge Community Forum, initial feedback had been sought from parish and town councils and was attached to the agenda. General consensus suggested that the Panel was considered a useful forum to connect the Borough Council with parish and town councils and the County Council and a preference for in-person and hybrid meetings was noted. Further comments were invited to be sent to the Policy, Scrutiny and Communities Manager (G Fox).

(5) Work Programme 2025/26

The Work Programme setting out matters to be scrutinised during 2025 was attached for information. Parish and town councils were reminded to suggest future items by liaising with the Chair of the Panel.

(6) Question regarding reinstatement of List Ds for planning applications

In response to a question raised by Hadlow Parish Council, after publication of the agenda, regarding the reinstatement of List Ds for planning applications, the Head of Planning advised that a response had been provided and published as a supplement to the agenda in advance of the meeting, which explained how the information that was previously available via List Ds could be accessed via the online Planning Portal.

The meeting ended at 9.51 pm



Planning Enforcement

2024

National Planning Policy Framework 2023 (NPPF). Paragraph 59 of The framework states:

‘Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local **enforcement plan** to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’



Planning Enforcement

- ▶ Ask yourself is this 'Development' as defined by the Planning Act?
- ▶ Development – works which materially effect the external appearance of a building or materially change its use.
- ▶ Not everything is a planning enforcement matter
- ▶ Internal refurbishments and alterations also do not require planning permission. Unless the building is a Listed Building.
- ▶ It is not a criminal offence to carry out works without planning permission
- ▶ It is criminal offence to carry out works to listed building without consent or a TPO tree.

Prioritising Cases Enforcement Plan

- ▶ Top includes works to listed buildings and works to protected trees. 1 to 2 working days
- ▶ High include works that cause significant harm within a Conservation Area and significant harm to residents.
- ▶ Medium includes development causing minimal harm. Development including extensions and outbuildings
- ▶ Low includes. Fences , Sheds and variations from planning permission

Initial Investigation

- ▶ What happens when an enforcement complaint?
- ▶ Does the development fall within Permitted Development (PD)?
- ▶ Does the work have planning permission?
- ▶ How to help the enforcement officer in investigation
- ▶ Changes of use can be tricky, it needs to be a material change and this is a matter of fact and degree.
- ▶ Photo; Change of use in Tonbridge . No evidence found of catering business on site/ no advertising found

Immune from Enforcement

- ▶ How long has this development been in place? Operational development now 10 years in line with changes of uses and breaches of condition (changed by Levelling-up and Regeneration Act 2023).



Initial Action

- ▶ If case is not immune, is not PD and does not have PP then:
- ▶ We send a warning letter . This will advise the offender that they should regularise their development.
- ▶ The letter will state the breach. What their options are and what the consequences are if they do not follow the advice. It will as stated above encourage the submission of retrospective applications or certificates.

Expediency

- ▶ What do we do after sending an initial warning letter out inviting a planning application or certificates of lawfulness :
- ▶ If no response we will then assess whether it is expedient to take formal enforcement action.
- ▶ Enforcement action should not be taken for regularisation alone



Tools to enforce

- ▶ Negotiation – often the quickest way to resolve a breach. Big backlog with the Planning Inspectorate so currently long waits for appeal decisions.
- ▶ Planning Contravention Notices (PCN's)
- ▶ Enforcement Notice. Can only be served once the development is in place
- ▶ LB enforcement notice
- ▶ Breach of Condition Notices
- ▶ S215 Untidy land
- ▶ Enforcement Warning Notices (very new) Inviting applications .
- ▶ Stop Notices and Temporary Stop Notices – compensation risk
- ▶ Completion Notices

Tools to enforce Post notice

- ▶ Direct action
- ▶ Prosecution
- ▶ Injunction