

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Democratic Services
committee.services@tmbc.gov.uk

9 March 2026

To: MEMBERS OF THE HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Housing and Planning Scrutiny Select Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 17th March, 2026 **commencing at 6.30 pm.**

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

DAMIAN ROBERTS

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

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PART 1 - PUBLIC

2. Apologies for absence
3. Notification of Substitute Members 11 - 12
4. Declarations of interest 13 - 14

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

5. Minutes 15 - 26

To confirm as a correct record the Notes of the ordinary and extraordinary meetings of the Housing and Planning Scrutiny Select Committee held on 2 December 2025 and 3 February 2026 respectively.

6. Presentation by the Kent Housing Group Verbal Report

The Chair of the Kent Housing Group will provide an overview of the role of the organisation.

Matters for Recommendation to the Cabinet

7. Homelessness Prevention and Rough Sleeping Strategy 2026-2031 27 - 72

The report seeks Cabinet approval of a draft Homelessness Prevention and Rough Sleeping Strategy and action plan for both Member and stakeholder consultation.

8. Local Plan Regulation 18 (Stage 2) Consultation - Update 73 - 110

The purpose of this report is to provide an update to Members on the Tonbridge and Malling Borough Council Local Plan Regulation 18 (stage 2) consultation that took place between 10 November 2025 and 2 January 2026. The report also seeks to update Members on Local Plan transport work and the financial implications of this work.

9. Planning Enforcement Plan Review 111 - 138

The report presents proposed changes to the Planning Enforcement Plan and associated activities and outlines options for a pro-active approach for consideration.

Matters submitted for Information

10. Cabinet Member Update - Housing 139 - 156
- The report provides an update to Members on key activity in the Housing Service during 2025/26.
11. Renters' Rights Act 2025 157 - 164
- The report provides an overview of the key changes introduced by the Renters' Rights Act 2025 and sets out the implications for the Council's responsibilities in regulating and supporting the private rented sector (PRS). It outlines the forthcoming implementation timetable, highlights new duties for landlords and local authorities, and seeks to ensure the Council is prepared for the phased introduction of the reforms.
12. Planning Advisory Service (PAS) Action Plan - Progress 165 - 174
- An updated Action Plan indicating the progress being made in respect of the recommendations of the Planning Advisory Service Review is presented for information.
- The record of the decision taken in respect of progressing the Action Plan is attached at D260007CAB.
13. Estate Management Companies 175 - 182
- The report details Estate Management Company operations in new housing estates throughout the Borough.
14. Work Programme 2026 183 - 184
- The Work Programme setting out matters to be scrutinised during 2026 is attached for information. Members can suggest future items by liaising with the Chair of the Committee.
15. Urgent Items 185 - 186
- Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

16. Exclusion of Press and Public 187 - 188
- The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

17. Urgent Items

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr D W King (Chair)
Cllr Mrs S Bell (Vice-Chair)

Cllr G C Bridge
Cllr R W Dalton
Cllr D A S Davis
Cllr P M Hickmott
Cllr M A J Hood
Cllr R W G Oliver

Cllr W E Palmer
Cllr R V Roud
Cllr K B Tanner
Cllr D Thornewell
Cllr C J Williams

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Housing and Planning Scrutiny Select Committee – Substitute Members (if required)

	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Robert Cannon	Bill Banks	Lee Athwal		Angus Bennison
2	Luke Chapman	Tim Bishop	Kath Barton		
3	Sarah Hudson	Frani Hoskins	Anna Cope		
4	Mark Rhodes	Anita Oakley	Steve Crisp		
5	Keith Tunstall	Michelle Tatton	Bethan Parry		

Members of Cabinet cannot be appointed as a substitute to this Committee

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 2nd December, 2025

Present: Cllr D W King (Chair), Cllr Mrs S Bell (Vice-Chair), Cllr G C Bridge, Cllr R W Dalton, Cllr D A S Davis, Cllr P M Hickmott, Cllr M A J Hood, Cllr R W G Oliver, Cllr W E Palmer, Cllr R V Roud, Cllr M R Rhodes (substitute), Cllr D Thornewell and Cllr K S Tunstall (substitute).

In attendance: Cllrs A G Bennison, R P Betts*, D Keers*, A Mehmet, Mrs A S Oakley* and M Taylor* were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors K B Tanner and C J Williams

HP 25/46 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr Rhodes substitute for Cllr Williams
- Cllr Tunstall substitute for Cllr Tanner

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

HP 25/47 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

HP 25/48 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 21 October 2025 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 25/49 REVIEW OF FEES AND CHARGES FOR DISCRETIONARY PLANNING SERVICES 2026/27

The report of the Director of Planning, Housing and Environmental Health set out proposed fees and charges for 2026/27 for the provision

of services in respect of development management, building control, high hedges, s106 monitoring and the Planning Performance Agreement (PPA) and Charging Schedule with effect from 1 April 2026. Fees had generally been increased by between 4-10% with a number of new fee categories proposed based on customer experience and good practice. Consideration had been given to each category and further explanation of these increases were detailed in the report.

In bringing forward the charging proposals for 2026/27 consideration had been given to a range of factors, including the Borough Council's overall financial and market positions, trading patterns, the current rate of inflation and customer feedback. A set of guiding principles for the setting of fees and charges had also been taken into account and were summarised in 4.2 of the report.

Particular reference was made to the Borough Council's significant and challenging financial position and as it was becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings and Transformation Strategy and it was essential that opportunities to maximise income were taken, Cllr King proposed, Cllr Davis seconded and it was

***RECOMMENDED:** That

- (1) the updated Pre-application Charging Fee Schedule 2026/27 for Development Management (Annex 1) be adopted;
- (2) the updated Building Control Fee Schedule 2026/27 (Annex 2) be adopted;
- (3) the updated charging fees for enforcement, as set out in 5.4 of the report, be adopted;
- (4) the updated High Hedge fee, as set out in 5.13 of the report, be adopted;
- (5) the updated charging fees for s106 monitoring and compliance, as set out in 5.18 and 5.20 of the report, be adopted;
- (6) the new fee for registration of a s106 agreement, as set out in 5.21 of the report, be adopted;
- (7) the updated Planning Performance Agreement charging schedule (Annex 3) be adopted; and
- (8) the proposed fees be implemented from 1 April 2026.

***Recommended to Cabinet**

HP 25/50 HMO AND CARAVAN SITE LICENSING FEE CHARGES 2026/27

Consideration was given to the proposed fees for licensing houses in multiple occupation (HMOs) and caravan sites for permanent residential use with effect from 1 April 2026.

In bringing forward the charging proposals for 2026/27 consideration had been given to a range of factors, including the Borough Council's overall financial and market positions, trading patterns, the current rate of inflation and customer feedback. A set of guiding principles for the setting of fees and charges had also been taken into account and were summarised in 4.2 of the report.

Particular reference was made to the Borough Council's significant and challenging financial position and as it was becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings and Transformation Strategy and it was essential that opportunities to maximise income were taken, Cllr King proposed, Cllr Thornewell seconded and it was

***RECOMMENDED:** That

- (1) the proposed fee for licensing HMOs (representing an increase of 4%) as detailed in 5.1 of the report, be approved;
- (2) the proposed fee for caravan sites for permanent residential use (representing an increase of 4%) as detailed in 5.2 of the report, be approved; and
- (3) the proposed fees be implemented from 1 April 2026.

***Recommended to Cabinet**

HP 25/51 ADOPTION OF A CALCULATOR FOR INDOOR SPORTS, OUTDOOR SPORTS AND PLAYING PITCH DEVELOPER CONTRIBUTIONS

The report of the Director of Planning, Housing and Environmental Health provided an update on the progress being made towards implementing a key action from the adopted Indoor Sports and Outdoor Sports and Playing Pitches Strategy.

It was recommended that the Borough Council adopted the Sports England model calculator approach to securing developer contributions towards indoor and outdoor sports facilities in the Borough. Potential contributions for indoor sports facilities based on the draft Regulation 18 Local Plan allocations were set out in Annex 1 for illustrative purposes. Developer contributions were calculated using the Sport England Sports

Facility Calculator and applying this to the number of housing units and average occupancy against the identified needs for future provision.

Members were advised that, in respect of playing pitches the Sports England calculator considered demand for football, rugby, hockey and cricket but excluded demand for tennis courts, netball courts, baseball pitches, bowling greens and athletics tracks. To ensure that a wider range of sports provision could be mitigated for it was proposed that additional metrics were used, such as the Fields in Trust calculator and the Sport England Facility Cost Guidance. The Guidance Note (attached at Annex 2) aimed to provide a methodology to enable developers and Borough Council Officers to calculate the needs for on-site or off-site forms of provision and to negotiate the associated land provision, financial contributions and maintenance costs.

Reference was made to a minor discrepancy in figures used in Annex 1 and Annex 2 in respect of people per unit. This would be double-checked and corrected if necessary before consideration at the next meeting of the Cabinet.

In recognition of ensuring that where development was approved it provided appropriate funding for sports facilities and that these facilities were delivered against a strategic plan and mitigated the impact of development on local communities, Cllr King proposed, Cllr Dalton seconded and it was

***RECOMMENDED:** That

- (1) to secure appropriate contributions towards indoor and outdoor sports facilities in the Borough, the Sports England calculator and associated metrics for Development Management purposes be adopted;
- (2) the draft Guidance Note (attached at Annex 2) on operational use of the calculator be noted and finalised by the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Members for Planning and Infrastructure and Tonbridge Regeneration, before consideration by Cabinet; and
- (3) subject to the views of Cabinet, the Guidance Note when finalised be adopted.

***Recommended to Cabinet**

**HP 25/52 PLANNING ADVISORY SERVICE - REVIEW OF THE COUNCIL'S
PLANNING SERVICE**

Careful consideration was given to the report of the Planning Advisory Service in respect of the Borough Council's planning service (attached at

Annex 1). A number of recommendations had been made and proposed actions, timescales and ownership were set out in the Action Plan (attached at Annex 3).

Members welcomed the views of the Planning Advisory Service, recognised the importance of maintaining an effective working relationship between Officers and Cllrs and improving communication, supported consideration of heritage, design and landscape as part of a wider service review and noted that validation of planning applications would be formally monitored as a Key Performance Indicator from 2026/27. Further detail was requested in respect of planning appeal statistics and these would be provided out of meeting.

Particular reference was made to recommendations in respect of rebuilding member-officer relationships and the pre-application service, as detailed in R3 and R5 of the Action Plan (Annex 3) and on the grounds of improving engagement and communication with Members the Chair proposed that these be amended to include:

- (i) Area Planning Chairs and Vice-Chairs; and
- (ii) the Cabinet Member for Planning and Chair of Housing and Planning Scrutiny Select Committee respectively.

These were seconded by Cllrs Hood and Thornewell respectively and supported unanimously.

The Chair proposed, Cllr Dalton seconded and it was

***RECOMMENDED:** That

- (1) the contents of the Planning Advisory Service Review report, including the recommendations for action, be noted and commended to Cabinet;
- (2) subject to the amendments set out at (i) and (ii) above, the proposed Action Plan (Annex 3) for delivering on the Planning Advisory Service Review recommendations be endorsed and commended to Cabinet for adoption;
- (3) the proposed timescales in the Action Plan be noted and commended to Cabinet; and
- (4) an update on progress on the Action Plan be reported to the May meeting of the Housing and Planning Scrutiny Select Committee.

***Recommended to Cabinet**

HP 25/53 INFRASTRUCTURE FUNDING STATEMENT 2024/25

(Decision Number D230130MEM)

Members reviewed the Infrastructure Funding Statement (IFS) 2024/25 which set out the infrastructure delivery and contributions collected by the Borough Council, allocations made within the monitoring period, projects delivered within the relevant period and new agreements entered into. Contributions agreed over the 2024/25 period were also outlined.

The Borough Council had a statutory requirement under the Community Infrastructure Levy Regulations 2010 (Regulation 121A) to publish an annual IFS by the end of December each year. The purpose of which was to summarise all financial and non-financial developer contributions.

Members discussed the allocation and identification of specific projects identified in Annex 1, including open space contributions and recurring requests for quotes for parish/town councils which created an administrative burden. Consideration would be given to reviewing the process to reduce this administrative burden.

Reference was made to Local Government Reorganisation and the position of longstanding s106 funds in the event of a move to a unitary authority. It was clarified that such contributions remained attached to the original permissions and land, which ensured their continued availability for the designated purposes.

Finally, it was suggested that the established s106 Monitoring Group be used to enable Members to ask questions in advance and outside of formal meetings. Consideration would be given to the process for feedback and resolution via this Group.

***RECOMMENDED:** That

- (1) the Infrastructure Funding Statement 2024/25 and associated documents be endorsed; and
- (2) the Infrastructure Funding Statement 2024/25 be approved for publication by the end of December 2024.

***Recommended to Cabinet - Decision taken by Cabinet Member**

HP 25/54 AUTHORITY MONITORING REPORT 2024/25

(Decision Number D250131MEM)

The report outlined the Borough Council's latest Authority Monitoring Report (AMR) (attached as Annex 1), which reviewed the effectiveness

of the organisations planning policies and helped to ensure that progress was being made towards achieved the objectives as set out in the suite of Adopted Development plan documents. The AMR was a statistical document to help guide the direction of travel for future corporate and planning policy.

Members noted that the AMR covered the previous financial year due to the period for data collection and reported on the period 2024/25. The last AMR was published by Tonbridge and Malling in 2024 and this version sought to provide an up to date consideration of the effectiveness of policies as well as progress in preparing planning documents as set out in the Local Development Scheme and actions taken in relation to the duty to cooperate.

***RECOMMENDED:** That

- (1) the Authority Monitoring Report for the period 2024/25 (attached at Annex 1 be endorsed; and
- (2) the Authority Monitoring Report for the period 2024/25 be approved for publication by the end of December 2025.

***Recommended to Cabinet - Decision taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

HP 25/55 CABINET MEMBER FOR PLANNING - SERVICE DELIVERY UPDATE

The report of the Director of Planning, Housing and Environmental Health provided a detailed overview of service performance within the planning portfolio area and Members noted a sustained improvement in Development Management over the past year and that the external review by the Planning Advisory Service had been an invaluable tool in maintaining an efficient and effective service.

The Cabinet Member for Planning also reflected on improvements in Member engagement, advocated for early Member involvement in large applications to reduce public concerns and appeals, reported good progress in updating conservation area appraisals and the introduction of conservation statements to protect vulnerable areas and called for continued work to build mutual trust and improve decision-making processes.

HP 25/56 WORK PROGRAMME 2026

The Work Programme setting out matters to be scrutinised during 2026/27 was attached for information. Members were invited to suggest future matters and the following were identified:

(1) Planning Advisory Service Review – Progress of Action Plan

As referenced earlier in the meeting, the Chair committed to providing a report on the progress being made to address the recommendations of the Planning Advisory Service Review to the earliest possible meeting.

(2) Challenges of Housing Associations – Kent Housing Group

To better understand the issues facing local Housing Associations, consideration would be given to inviting the Kent Housing Group, who were a forum for housing organisations based in Kent and Medway, to address the Scrutiny Select Committee. This remained subject to confirmation.

(3) Active Travel Strategy

It was reported that the Active Travel Strategy was part of the Local Plan Consultation. However, consideration would be given to establishing an Officer/Member workshop to develop appropriate mechanisms for further engagement and ensuring alignment with the Local Plan process.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 25/57 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.44 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 3rd February, 2026

Present: Cllr D W King (Chair), Cllr Mrs S Bell (Vice-Chair), Cllr B Banks (substitute), Cllr R W Dalton, Cllr D A S Davis, Cllr M A J Hood, Cllr R W G Oliver, Cllr K B Tanner and Cllr D Thornewell

In attendance: Councillors S Crisp, R P Betts, L Chapman, Mrs A S Oakley and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

*Participated via MS Teams

Apologies for absence were received from Councillors G C Bridge and W E Palmer.

HP 26/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of a substitute Member was recorded as set out below:

- Cllr Banks substituted for Cllr Bridge

In accordance with Council Procedure Rules 17.5 to 17.9 this Councillor had the same rights as the ordinary member of the committee for whom they were substituting.

HP 26/2 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 26/3 NATIONAL PLANNING POLICY FRAMEWORK: PROPOSED REFORMS AND OTHER CHANGES TO THE PLANNING SYSTEM

The Government intended to reform the plan-making system under the Levelling Up and Regeneration Act (LURA) 2023. A consultation on the revised National Planning Policy Framework (NPPF) and related reforms, including data centres, on-site energy generation, standardised viability assessment inputs, and site thresholds was open from 16 December 2025 to 10 March 2026. The Government would publish an update after analysing responses, which was expected to be in Summer 2026.

The revisions proposed as part of the consultation sought to progress significant structural improvements to the Framework, introducing a clear set of separate policies for both plan making and decision making, the aim of which was to achieve three main objectives:

- To ensure that national policy was accessible and understandable for everyone who used it;
- To establish a comprehensive suite of national policies on general planning matters which would apply across the country; and
- To make the policy more 'rules-based' and certain.

The consultation document was split into chapters that generally aligned to the chapters provided in the draft NPPF. In terms of the implementation for the transitional phase, the consultation confirmed that for decision making that the NPPF be a material consideration from the date of publication. The new NPPF would apply to new style local plans that would be produced through the new system under the Planning and Infrastructure Act. The new NPPF would therefore not apply to the local plan currently being progressed by Tonbridge and Malling Borough Council. The consultation noted that inconsistencies with development plans would fall away over time as new development plans were adopted that did not duplicate, replicate or modify NPPF policies. For decision making, due weight should be given to development plan policies in relation to their consistency with the Framework. Where these were inconsistent, little weight should be afforded, except where a Plan had been examined against the new Framework.

The consultation also proposed a number of substantive reforms to unlock more homes in the right place and further support the commercial development needed to drive growth. The following significant reforms were proposed in the consultation:

- Permanent presumption in favour of suitably located development
- Building homes around stations
- Driving urban and suburban densification
- Securing a diverse mix of homes
- Supporting small and medium sites
- Streamlining local standards
- Boosting local and regional economies
- Supporting critical and growth materials
- Embedding vision led approach to transport
- Better addressing climate change
- Serving and enhancing natural environment
- Taking a more positive approach to heritage assets.

Members reviewed the Borough Council's response to the consultation attached at Annex 1 to the report and a number of amendments,

corrections and points of clarification were suggested. Attention was also brought to the Risk Assessment at Annex 2 to the report.

There was also detailed discussion in respect of securing clean energy and water, in particular the approach to planning for energy and water infrastructure in policy W1. Members expressed concern regarding household access to clean water as well as highlighting specific issues related to waste-water management. Members requested the inclusion of additional wording to strengthen the response including making the connection between increased housing growth. Furthermore, in instances where such infrastructure was deemed necessary, suppliers should be obligated to define the mechanisms by which the required improvements would be implemented.

Cllr King proposed, Cllr Davis seconded and the Committee

***RECOMMENDED:** That

- (1) the contents of the report, be noted;
- (2) the Tonbridge and Malling Borough Council response to the Government's National Planning Policy Framework; proposed reforms and other changes to the planning system, be approved; and
- (3) delegated authority be granted to the Director of Planning, Housing and Regulatory Services to make any necessary minor changes to the Tonbridge and Malling Borough Council's response to the National Planning Policy Framework: proposed reforms and other changes to the planning system consultation prior to submitting the response, in consultation with the Leader of the Council and the Cabinet Member for Planning.

***Recommended to Cabinet**

MATTERS FOR CONSIDERATION IN PRIVATE

HP 26/4 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.54 pm

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Housing and Planning Scrutiny Select Committee

17 March 2026

Part 1 - Public

Matters for Cabinet - Non-key Decision



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Cabinet Member	Cllr Robin Betts, Cabinet Member for Housing, Environment and Economy
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Regulatory Services
Report Author	Claire Keeling, Housing Solutions Manager Linda Hibbs, Head of Housing and Regulatory Services

Homelessness Prevention and Rough Sleeping Strategy 2026-2031

1 Summary and Purpose of Report

- 1.1 This report seeks Cabinet approval of a draft Homelessness Prevention and Rough Sleeping Strategy and action plan for both Member and stakeholder consultation.

2 Corporate Strategy Priority Area

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.2 Preventing homelessness and ending rough sleeping is a key priority area for the Council both in terms of having a positive impact on those who find themselves at risk and managing the cost to the Council.

3 Recommendations

- 3.1 Cabinet to **APPROVE** the draft Homelessness Prevention and Rough Sleeping Strategy 2026 – 2031 attached at Annex 1 for consultation.

4 Introduction and Background

- 4.1 Under the Homelessness Act 2002, all Local Authorities must have in place a homelessness strategy based on a full review of all forms of homelessness in the district, which should be reviewed and updated every 4 years. This was further extended in 2018 to include rough sleeping which must be considered as part of

the overall strategic objectives. To date the Council has had actions for the delivery of the Council's homelessness service incorporated within the adopted Housing Strategy, however the ambition is to now review and produce a standalone document. The review and the subsequent strategy produced will set out how the Council will continue to tackle an increasing demand for homelessness services and will aim to ensure that homelessness is prevented at the earliest opportunity, and where that is not possible to ensure there is a range of housing options available for those who have lost their homes.

5 Proposal

5.1 A draft Homelessness Prevention and Rough Sleeping Strategy has been developed and is attached at **Annex 1**.

5.2 The Government have recently set out its long-term vision for homelessness in the “National Plan to end Homelessness” including an action plan based on five pillars which are:

- Universal prevention
- Targeted prevention
- Preventing crisis
- Improving emergency responses
- Recovery and preventing repeat homelessness

5.3 This new Government plan and approach form the policy basis for Tonbridge & Malling BC's new strategy.

5.4 Within the strategy there are four priorities as below:

- Priority 1 - To prevent homelessness earlier and support those who are at risk of homelessness to remain in their homes.
- Priority 2 - To minimise the use of emergency and temporary accommodation, reduce the reliance on nightly paid out of area temporary accommodation and reduce the numbers requiring temporary accommodation.
- Priority 3 – To build on the excellent work already done to maintain the low levels of rough sleeping with the aim of achieving zero rough sleepers in the district.
- Priority 4 – To work with partners collaboratively to prevent homelessness.

- 5.5 For each priority, aims and objectives along with outcomes to measure performance are detailed.
- 5.6 An annual action plan will also be developed and monitored, and outcomes will be reported to Members via the Housing and Planning Scrutiny Select Committee. The proposed Year 1 action plan is attached at **Annex 2**.
- 5.7 An evidence base has also been collated and is attached at **Annex 3**. The evidence gathered through regular performance monitoring, mandatory reporting to Government etc has informed the priorities and actions and this will be kept under review through the life of the strategy to feed into the action plan as required.

6 Other Options

- 6.1 No other options have been considered as it is a legal requirement to carry out a review of homelessness in the district and to have in place a Homelessness and Rough Sleeping Strategy. To take a “do nothing” approach would place the Council at risk of challenge and a breach of statutory requirements for not developing this document.

7 Financial and Value for Money Considerations

- 7.1 In a climate where the cost of homelessness services is rising, failure to effectively review, forecast demand and plan homelessness services or meet statutory requirements through the production of a strategy may lead to reputational damage, late approaches to the service which limits the opportunities to prevent the loss of homes, and potential rises in the numbers in temporary accommodation.
- 7.2 The actions contain cost implications but the majority of these would likely be met by using existing resources and grants.

8 Risk Assessment

- 8.1 Not having a Homelessness and Rough Sleeping strategy places the Council at risk of legal challenge as a strategy is a statutory requirement.

9 Legal Implications

- 9.1 The Homelessness Act 2002 requires local authorities to review homelessness in their district and formulate and publish a strategy based on the results. Whilst the Council considered previously that it had met this requirement through having a specific homelessness section and action plan within our main Housing Strategy, having reviewed the legislative requirements it is considered that this approach may not meet them and hence therefore a standalone strategy is now being put in place.

10 Consultation and Communications

- 10.1 A range of key partners and stakeholders will be consulted once the draft Homelessness and Rough Sleeping Strategy is agreed by Cabinet.
- 10.2 A focussed on-line discussion session with all Members will also be planned for April/May 2026 to allow Member input ahead of the final draft strategy being presented to Cabinet in summer 2026.
- 10.3 Key areas for consultation will be the priorities and objectives as well as how stakeholders/partners can add value to our work.

11 Implementation

- 11.1 Once the draft strategy is approved a period of consultation will take place in April/May 2026. A final draft of the strategy will be presented to Cabinet in summer 2026. The strategy will then be implemented.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 None

12.2 Equalities and Diversity

- 12.2.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has not yet been analysed, but a full impact assessment will be completed and will be concluded after consultation has taken place and will be presented alongside the final draft Strategy.

12.3 Other If Relevant

- Healthy Lifestyles

- 12.3.1 Not having a home can impact in all areas of a person's life. It can affect mental and physical health and wellbeing, children's development, and places households under immense pressure. This strategy will assist in improving health and wellbeing for those in housing need.

Background Papers	None
Annexes	Annex 1 – draft Homelessness Prevention and Rough Sleeping Strategy Annex 2 – Year 1 action plan Annex 3 – Evidence base

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Tonbridge and Malling Borough Council

Housing Solutions Service

Homelessness Prevention and Rough Sleeping Strategy 2026 – 2031

Draft document for consultation

Version	Changes	Section	Date	Author	Status
1	New Draft			C. Keeling	

Contents – to be completed

DRAFT

Foreword by Cabinet Member for Housing, Environment and Economy

To be completed

DRAFT

Tonbridge & Malling – Homelessness & Rough Sleeping Strategy (2026–2031)

Tonbridge and Malling Borough Council
Homelessness Prevention and Rough Sleeping Strategy 2026 – 2031

1. Introduction

Homelessness and Rough Sleeping have a detrimental effect on individuals, families and communities, and are key challenges facing all communities across the country. They are issues caused by a range of factors, both structural, such as housing affordability and insecurity in the private rented sector as well as individual, such as drug and alcohol abuse, poor physical and mental health, crime and anti-social behaviour, poor educational attainment, debt, unemployment and the breakdown of support networks. Tackling homelessness can be costly when compared to the costs associated with proactively seeking to prevent homelessness in the first place, and many households approach the Council at the point of crisis, and so the ambition is to intervene earlier, and ensure those who come to Tonbridge and Malling Council for support with their housing situation get the right support at the right time.

The strategy sets out how Tonbridge and Malling Borough Council will proactively work to achieve this and prevent homelessness for the next 5 years. It is a summary of the key priorities, and is supported by a suite of documents, namely a robust evidence base, which sets out in detail the main causes of homelessness and is informed by the national, regional and local context within which the homelessness service is delivered and is underpinned by a wide range of statistics drawn from several sources. This context underpinned by statistical information has assisted in identifying the strategic priorities, and these have then been instrumental in the development of the supporting action plan which demonstrates how the Council will deliver services to meet these priorities.

2. Vision

The Council's Housing Strategy contains the vision.

"For Tonbridge and Malling residents to have access to good quality and affordable homes that meet their needs, whether renting or buying"

The Council's Corporate Strategy 2023 to 2027 has a key priority of "Improving housing options for local people whilst protecting our outdoor areas of importance". Within that priority the Council aims to "use every power we can to support those who are most in need of housing support and at risk of becoming homeless."

3. Strategic Context

The strategic context within which this strategy sits at national, regional and local levels can be found in the Evidence base which supports this document. This can be found here

Insert hyperlink when completed and agreed

The new "National Plan to end Homelessness" was published in December 2025 and forms the policy basis for this strategy.

It sets out the Governments long term vision to make homelessness rare, brief and non-recurring with the key aim framed around shifting the focus of homelessness from managing crisis to preventing homelessness and to step in and resolve it quickly where homelessness does occur. To achieve its commitments, it has developed an action plan based on **5 pillars**.

- **Universal prevention** – this is aimed at tackling the root causes of homelessness and make homelessness rare, by reducing the risk across the whole population. The indicated priorities are around housing affordability and poverty and there is clear

integration here with plans for house building and increasing the supply of affordable housing and poverty which are set out in the national wider Housing Strategy.

- **Targeted prevention** – this provides support for those who are more risk of becoming homeless and ensures that tackling homelessness is shared responsibility with all public services collaborating to prevent homelessness. This contains the creation of joint cross government targets to reduce those leaving institutions such as hospitals and prisons homeless and will introduce the duty to collaborate.
- **Preventing crisis** – this is to help people remain in their homes by giving councils the flexibility to deliver services to meet the needs of the local community and focus on prevention. Local Authority Homelessness Services are the focus of this pillar, with clear direction given to Councils to prioritise people to seek help as early as possible and increase the proportion of households being assisted to remain their current home.
- **Improving emergency responses** – the focus on improving TA and making the experience better if people do become homeless.
- **Recovery and preventing repeat homelessness** – At the heart of this pillar is a new target to halve rough sleeping within the lifetime of this parliament.

Also set out in the document are the underpinning and cross cutting foundations that sit across the strategy and includes how there will be national and local accountability, a new national workforce programme, and the enabling factors as to how the Government will hold itself to account, as well as the introduction of the Local Government Outcomes Framework.

Following the publication of this document in December 2025, Councils in England are expected to develop and publish local action plans to align with the national goals. Given the high profile of this new document and the £3.5bn of funding announced to support this work nationally, this strategy along with the associated documents will demonstrate how Tonbridge and Malling Borough Council will deliver against this locally.

4. What the evidence tells us

The evidence contained within the evidence base shows that the Council is performing well, prevention levels are in line with national averages, numbers are reducing in TA, and households are moving on from TA. However, this strategy sets out how the Council will continue to improve and develop with the aim of delivering excellent services for those who need them.

It shows that housing in the district can be unaffordable for some households and that there is a high demand for social housing, particularly when compared to supply.

Homelessness is at lower-than-average rates given the profile of the borough, but demand on the service is increasing.

Prevention activity is positive and improving, however this can still be improved to continue to reduce those households that access the service at the point of crisis.

The Council needs to address the issue of out of area placements as there are high rates of households placed out of area, disrupting education, support and employment. National guidance requires Councils to minimise this whenever possible.

The borough has low levels of rough sleeping and effective working partnerships are key to keeping these numbers low. The Council and its partners need to ensure those who do sleep rough get the support needed to get away from the streets and stay off the streets.

5. Building on the successes

The introduction of a Triage model has allowed the Council to promptly consider approaches from households and the action required and where required provide more timely advice and assistance to all approaches with the aim of recognising opportunities to prevent at an earlier stage and ensuring they are allocated to a Prevention Officer.

The focus within the service has shifted significantly towards prevention with the development of a specialist prevention service, who do a substantial amount of work by negotiating with families, landlords and providers, assisting with applications for discretionary housing payments, which has resulted in 167 households having their homelessness successfully prevented in 2024 – 2025 and providing advice on accessing the private rented sector. Since the introduction of this in 2021 the service has consistently accepted more prevention duties (before becoming homeless) than relief which is the stage where homelessness has occurred.

It should be noted that this considerable change in the service to focus on prevention followed external consultancy review of which Members supported and drove forwards the recommendations in full including new financial investment into the team.

The recent provision of 19 units of owned and managed TA in the borough, alongside the 15 units already owned and managed by the Council in the district and the further 7 procured in Maidstone (specialist support), has allowed the Council to reduce the number of out of area placements bringing them back to support networks, more local to education and employment as well as reducing the costs for the Council due to the subsidy available for long term owned and managed TA units.

Numbers of rough sleepers have remained consistently low in the district, and Porchlight is the Council's commissioned partner, working with us to prevent rough sleeping and ensuring that anyone is identified on the streets has stays that are brief and non-recurring.

As part of this service provision, the Council has worked with Porchlight and Clarion Housing to open dedicated supported provision to provide off the street accommodation for those who would otherwise not have a priority need for housing and who may remain on the streets.

The following case study highlights one of the successes of having his type of accommodation.

Person X is a 48-year-old man who became homeless following the death of his parents. After his mother's death a year ago, X's relationship with his brother broke down, leaving him without accommodation. He has been sleeping rough for several months in the Tonbridge and Malling area, accompanied by his dog. Having a pet has provided X with emotional support but has also made it harder to find accommodation.

X has a history of mental health difficulties and substance misuse. He attempted to take his own life three months prior to engagement with services, at a time when he described feeling at his lowest due to grief, addiction, and housing loss. With encouragement from a friend, X began attending a 12-step recovery group linked to a local church, which has since become his main source of support. He now attends church three times a week, values the sense of belonging there, and has built positive connections with his sponsor and peers.

At his first assessment in July 2025, he expressed a desire to move into safe housing to help stabilise his wellbeing, reduce the risks associated with rough sleeping, and rebuild his relationship with his teenage son, who lives locally with his mother.

Physically, X reports general aches and back pain caused by rough sleeping, but no diagnosed condition. His mental health remains fragile, and ongoing monitoring is advised due to the previous suicide attempt and history of depression. X is registered with a GP and has previously been prescribed antidepressants.

Economically, X is unemployed and receives Universal Credit. He is a qualified printer and has experience in several other roles. He hopes to return to work or volunteer in the future, potentially with Porchlight, once his situation stabilises.

X has supportive links through his church community and a good relationship with his sister, though contact with other family members is limited. He did not feel safe sleeping rough, particularly as the weather worsened, and worried about theft or harassment. Despite this, he showed resilience by seeking quieter, safer places to camp and staying connected with positive influences.

X has recently moved into supported accommodation with his dog, which is a big step forward in his recovery. He has now been substance free for three months and continues to attend his 12 step meetings and church regularly. The main focus is on helping X stay stable, keep up his mental health and recovery support, and start planning for longer term housing. His move into supported accommodation will help with this by giving him a safe base where he can focus on his wellbeing and future plans.

The Council has also worked with the Kent Housing Group on a revised joint protocol for 16 / 17-year-olds, and a care leavers protocol, which ensure a consistent approach to supporting these groups of potentially vulnerable residents.

Delivery partnerships are a strength; however, the Council needs to continue to build on these and ensure they are maintained and developed and drive service improvement along with feedback from those with lived experience.

Domestic Abuse Housing Alliance (DAHA) Accreditation

Tonbridge and Malling Borough Council
Homelessness Prevention and Rough Sleeping Strategy 2026 – 2031

Domestic Abuse (DA) is consistently one of the top 3 reasons for the loss of a home in the district. The Council's response when someone approaches could give someone the opportunity to live a life free of abuse. To ensure that the Council is delivering the best possible service DAHA accreditation is being worked towards.

This is a priority for the Council and will result in delivering a whole housing approach to those who approach due to DA.

12 DA Champions recruited across the council, who are responsible for providing and signposting to DA resources, information, learning and good practice

Work with specialist partners such as DAVVs and Look Ahead

A specialist Housing IDVA is employed who works with high-risk cases who approach the service for assistance with rehousing due to DA

Staff training including DASH risk assessments, intersectionality issues and mini bitesize sessions to focus on Female Genital Mutilation and Honour Based Violence, Domestic Abuse and multiple disadvantages, Domestic Abuse and No Recourse to Public Funds

The Council is signed up to a DA Reciprocal protocol, which supports moves for those who are at high risk of DA

The Council also has access to the Kent wide Safer scheme, which allows survivors to remain in their own homes via providing safety measures

6. What are the challenges?

High rents and house prices – the generally high prices in the borough means that accessing the private rented sector is more challenging for lower income households. The Renters Rights Act 2025 could also impact on the number of private rented properties available with changes to tenancies and tenancy law.

The ongoing current economic situation, higher mortgage rates, increasing rents and the freezing of Local Housing Allowance rates are all factors that influence housing options.

The Council has a low rate of ending duties into the private rented sector and this is an area that requires further development to provide more housing options.

The Council has a high number of out of area TA placements compared to other districts in Kent and it is an area that the Homelessness Advice and Support Team advisor has raised as an area to focus on improvement in. Where households are placed out of borough this can have a negative and disruptive impact, for example challenges in accessing usual support, employment, schools etc.

Tonbridge & Malling has low numbers of rough sleepers, but work needs to continue to prevent anyone from accessing street sleeping.

7. What are the priorities?

Given the successes and the areas identified for further work, and within the national framework set out, the priorities focus on the move away from crisis management towards strong advice and targeted prevention, alongside improving TA from a management and resident perspective and further developing partnerships and collaboration with key partners that the Council works with. These priorities align with the 5 pillars set out in the national strategy but deliver locally for those who live in Tonbridge and Malling.

Priority 1 – To prevent homelessness earlier and support those who are at risk of homelessness to remain in their homes

Our aim - Why do we want to do this?

Early prevention means identifying those who may be at risk of loss of home early to stop the homelessness and preventing the loss of that home and this can have a significant and positive impact on households. The Council wants to stop homelessness before it happens.

Our objectives - How will we do this?

- Strengthen early intervention and advice services. Provide accurate and up to date advice and assistance on housing and homelessness ensuring this is accessible to all.
- Work more closely with duty to refer to partner agencies, such as probation, the NHS and prisons, to ensure the service is receiving early notifications of households that may become homeless to maximise the time to work with them and establish closer working relationships with agencies to improve referral processes.
- Review the prevention tools in use and ensure the initiatives employed are fit for purpose to ensure that these support the early identification and the work of the officers to maximise opportunities to prevent the loss of the home.

Our outcomes - How will we measure this?

- Number of total approaches to the service
- Number of Prevention cases accepted
- % of duties owed where homelessness was prevented
- Where prevention was successful numbers where duty was ended by keeping applicant in own home, or alternative and how many became homeless
- Number of duty to refer referrals

Priority 2 – To minimise the use of emergency and temporary accommodation, reduce the reliance on nightly paid out of area TA and reduce numbers requiring TA

Our aim - Why do we want to do this?

The Council recognises that there will always be households who need TA and where this is the case it will ensure that good quality, affordable TA is provided. However, the provision of TA is costly and so exploring options for TA, reducing the use of nightly paid accommodation and reducing the overall number of households and the per unit cost of that accommodation will have a significant impact on Council budgets. It will also have an impact on outcomes for those who do require TA, as they will be closer to their employment, education, support networks, and will contribute to a household's overall health and wellbeing.

Our objectives - How will we do this?

- The approach to prevention will be reviewed with the aim of preventing households from requiring TA (Priority 1)

- Continue to seek alternative ways to provide TA in borough both through provision of the Council's own accommodation and exploring the use of registered provider and private rented accommodation.
- Continue to improve the quality of the Council's own TA and work with partners across Kent to drive up standards in the nightly paid sector
- Work with staff and key stakeholders to review the offer made to landlords to work with the Council to allow good quality suitable private sector accommodation to be secured with a personalised package of support once moved on to reduce stays in TA.

Our outcomes - How will we measure this?

- Total number of households in TA (this is monitored regularly and reported on at month end)
- Number of units the Council owns or leases
- Average length of stay in TA
- Number of households in TA with children
- Number of households placed out of area

Priority 3 – To build on the excellent work already done to maintain the low levels of rough sleeping with the aim of achieving zero rough sleepers in the district

Our aim - Why do we want to do this?

Tonbridge and Malling Council has an excellent track record of having low numbers of rough sleepers and the aim is to sustain this and keep numbers low, with the aim being to fully eradicate any forms of rough sleeping in the district.

Our objective - How will we do this?

- Work with rough sleeping partners to ensure that anyone who enters the street, or is found rough sleeping gets rapid intervention and wrap around support including a pathway for those who may not have a "priority"
- Provide safe and appropriate accommodation
- Develop effective move on pathways from TA into longer term settled accommodation

Our outcomes - How will we measure this?

- Number of people rough sleeping on a single night
- Faster access to accommodation from when the service becomes aware of someone rough sleeping
- Reduced repeat rough sleeping

Priority 4 – To work with partners collaboratively to prevent homelessness

Our aim - Why do we want to do this?

This is an ambitious strategy and is intended to deliver a proactive prevention homelessness service, but this cannot be done alone.

The Council must work with partners, as many factors that cause homelessness are beyond its direct control and so to deliver homelessness services there needs to be collaboration with partners, at a national, regional and local level and this will become more relevant as Local Government Reform progresses.

Our objective - How will we do this?

- Work with RPs to make better use of stock in the district and promote improved access to affordable housing
- Bring together key partners such as Porchlight, registered providers and key voluntary and statutory agencies via the development of a formal partnership board to bring additional resources and expertise to deliver the aims of the strategy
- Continue to gather performance monitoring data to use as evidence to underpin service development and improvement and ensure needs of those in the district are met
- Establish a lived experience advisory panel to further enhance the performance monitoring to further drive forward any service improvements and delivery
- Develop mechanisms for gaining insight through a variety of feedback routes ensuring these are used to drive service improvement
- Maximise opportunities to work with partners such as drug and alcohol services.

Our outcomes - How will we measure this?

- Quarterly performance reports to Management Team
- Quarterly performance reports to partnership board
- Identification of service improvements because of feedback in quarterly reports

8. Monitoring, Governance & Reporting

The Council is the owner of this strategy and is ultimately responsible for delivering against the action plan and monitoring its effectiveness. However, it must be recognised that the Council is not able to deliver this without the support of key stakeholders and partners.

Given this the action plan that supports the strategy will be regularly monitored and updated to ensure that progress made, and the key actions are being delivered. This will be monitored by the Council's Management Team, via quarterly reports in addition to monthly performance monitoring.

The strategy will be kept under review and amended if there are any changes to legislation, or practice which may impact on the strategy and any resulting actions contained within the action plan, but where this happens it will be in consultation with stakeholders.

The strategy action plan will be refreshed each year for the life of the strategy and discussed with stakeholders and presented to elected Members for feedback and endorsement.

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Tonbridge and Malling Borough Council
Housing Solutions Service
Homelessness and Rough Sleeping Strategy 2026 – 2031
Year 1 Action Plan
Draft for consultation

This Action plan sets out the actions the council will take to meet the priorities identified in the supporting evidence base and Strategy

Priority/Aim	Objective	How will we do this	Lead officer and by when
<p>To prevent homelessness earlier and support those who are at risk of homelessness to remain in their homes</p> <p>Early prevention means identifying those who may be at risk of loss of home early to stop the homelessness and preventing the loss of that home and this can have a significant and positive impact on households. We want to stop homelessness before it happens</p>	<p>Strengthen early intervention and advice services. Provide accurate and up to date advice and assistance on housing and homelessness ensuring this is accessible to all.</p>	<p>Review our website and the use of social media and introduce contact us before crisis messaging</p>	<p>Housing Solutions Housing Management Team</p> <p>June 2026</p>
		<p>Introduce a “no wrong door” approach – train all frontline staff to identify the risk of homelessness early and refer internally</p>	<p>Housing Solutions Manager</p> <p>September 2026</p>
		<p>Introduce face to face visits for all family evictions and provide mediation to families where there is a risk of eviction</p>	<p>Senior Housing Solutions Officer</p> <p>September 2026</p>
		<p>Introduce a single point of contact for private landlords to resolve problems early and engage and promote this to landlords via landlord forums</p>	<p>Senior Accommodation Officer and Senior Housing Solutions Officer</p> <p>June 2026</p>
	<p>Work more closely with our duty to refer (DTR) partner agencies to ensure we are receiving early notifications of households that may become homeless to maximise the time we must work with them and establish closer working relationships with agencies to improve referral processes.</p>	<p>Identify the agencies who are not referring and target engagement accordingly</p>	<p>Housing Solutions Manager</p> <p>March 2027</p>
		<p>Offer short virtual DTR briefings for new partner staff</p>	<p>Housing Solutions Manager</p> <p>December 2026</p>
		<p>Appoint a named DTR lead within the Housing Solutions Service and establish named leads in DTR operational services</p>	<p>Senior Housing Solutions Officer</p> <p>June 2026</p>
		<p>Develop a local DTR protocol and establish agreed referral times with key partners in line with any KHOG protocols</p>	<p>Housing Solutions Manager</p> <p>June 2026</p>
	<p>Review our prevention tools and ensure the initiatives employed are fit for purpose to ensure that these support the early identification and the work of the officers to maximise opportunities to prevent the loss of the home.</p>	<p>Review current prevention tools, by mapping them, DHP, mediation, PRS incentives, outreach, advice, SAFER scheme etc</p>	<p>Housing Solutions Manager and Senior Housing Solutions Officer</p>

			December 2026
		Review our website and the use of social media and introduce contact us before crisis messaging	Housing Solutions Housing Management Team June 2026
		Review the Prevention Fund and ensure we can offer small rapid grants for common issues that maybe wider than traditional "offers" but may assist in the preventing the loss of the home	Housing Solutions Manager and Senior Housing Solutions Officer December 2026
		Introduce a "no wrong door" approach – train all frontline staff to identify the risk of homelessness early and refer internally	Housing Solutions Manager September 2026
<p>To minimise the use of emergency and temporary accommodation, reduce the reliance on nightly paid out of area TA and reduce numbers requiring TA</p> <p>We must recognise that there will always be families who need TA and where this is the case we will ensure that we provide good quality affordable TA. However, the provision of TA is costly and so exploring options for TA, reducing the use of nightly paid and reducing the numbers in will have a significant impact on council budgets. It will also have an impact on outcomes for those who do require TA, as they will be closer to their employment, education, support networks, and will</p>	We will review our approach to prevention with the aim of preventing households from requiring TA	See priority 1 for how we will do this	As above
	Continue to improve the quality of our own TA and work with partners across Kent to drive up standards in the nightly paid sector	Deliver and occupy Bluebell Hill	Director of Housing, Planning and Regulatory Services Head of Housing and Regulatory Services March 2027
		Continue to engage in the TA project which has commenced working with other local authorities to drive up standards in nightly paid accommodation and establish a framework for procurement	Senior Accommodation Officer March 2027
		Revisit and review the use of registered provider stock for short term temporary accommodation	Senior Accommodation Officer

<p>contribute to a household's overall health and wellbeing.</p>			<p>March 2027</p>
	<p>Work with staff and key stakeholders to review the offer we make to landlords to work with us to allow us to find good quality suitable private sector accommodation with a personalised package of support once moved on.</p>	<p>Review and update the current Tonbridge and Malling Borough Council Landlord Offer based on feedback from landlords and staff</p>	<p>Senior Accommodation Officer August 2026</p>
		<p>Develop a landlord offer prospectus, which sets out what landlords can expect from the Council, SPOC, fast decision-making financial support options ongoing tenancy sustainment support</p>	<p>Senior Accommodation Officer May 2026</p>
		<p>Work with landlords to raise the profile of our Move on Officer and the role they can play around being a single point of contact, and provision of a rapid response to tenancy issues with a clear escalation route where issues cannot be resolved to other service areas</p>	<p>Senior Accommodation Officer May 2026</p>
		<p>Strengthen pre tenancy readiness and ongoing support by ensuring any accommodation is affordable, and the provision of ongoing tenancy support when placed</p>	<p>Senior Accommodation Officer May 2026</p>
<p>Build on the excellent work already done to maintain the low levels of rough sleeping with the aim of achieving zero rough sleepers in the district</p> <p>Tonbridge and Malling Council has an excellent track record of having low numbers of rough sleepers and the aim is to sustain this and keep numbers low, with the aim being to fully eradicate any forms of rough sleeping in the district.</p>	<p>Work with our rough sleeping partners to ensure that anyone who enters the street, or is found rough sleeping gets rapid intervention and wrap around support including a pathway for those who may not have a "priority"</p>	<p>Develop a multi-agency rough sleeping protocol which sets out a written rapid intervention procedure</p>	<p>Housing Solutions Manager and Senior Housing Solutions Officer December 2026</p>
		<p>Use of the website to encourage the use of public reporting tools such as streetlink</p>	<p>Housing Solutions Housing Management Team June 2026</p>
		<p>Develop rapid assessment pathways by offering same day assessments for those found rough sleeping</p>	<p>Rough Sleeper Resettlement Manager September 2026</p>

	Provide safe and appropriate accommodation	Continue to work with the contracted provider to increase access to supported housing for those who rough sleep	Housing Solutions Manager and Rough Sleeper Resettlement Manager March 2027
		Review housing first	Housing Solutions Manager and Rough Sleeper Resettlement Manager March 2027
	Develop effective move on pathways from accommodation into longer term settled accommodation	Introduce a monthly move on panel to review all residents within emergency / supported housing who may have rough slept to identify barriers to move on	Housing Solutions Manager and Rough Sleeper Resettlement Manager March 2027
<p>Work with partners collaboratively to prevent homelessness</p> <p>This is an ambitious strategy and is intended to deliver a proactive prevention homelessness service, but this cannot be done alone. We must work with partners, as many factors that cause homelessness are beyond the direct control of the Council and so to deliver homelessness services we need to collaborate with partners, at a national, regional and local level and this will become more relevant as Local Government Reform progresses.</p>	Work with RPs to make better use of stock in the district and promote improved access to affordable housing	Establish a Registered provider strategic forum which meets quarterly to share homelessness demand data, Temporary accommodation pressures and move on issues with agreed joint priorities which are reviewed annually	Housing Solutions Manager and Senior Allocations Officer September 2026
		Undertake an annual review of each registered providers nomination uptake, evictions into homelessness, void times and refusal rates	Housing Solutions Manager and Senior Allocations Officer December 2026
		Strengthen nomination agreements – review and revisit nomination agreements	Senior Allocations Officer December 2026
		Align the housing options team with the tenancy sustainment teams in RPs and promote and develop the use of joint sustainment plans	Senior Housing Solutions Officer December 2026
	Bring together key partners via the development of a formal partnership board to bring additional resources and expertise to deliver the aims of the strategy	Draft a clear terms of reference for the board which sets out the boards purpose	Housing Solutions Manager June 2026
		Identify who needs to be present and attend	Housing Solutions Manager

			September 2026
		Set up quarterly strategic meetings and monthly operational meetings	Housing Solutions Manager September 2026
		Reporting to be fed back to Senior Management Team	Housing Solutions Manager December 2026
Continue to gather performance monitoring data to use as evidence to underpin service development and improvement and ensure needs of those in the district are met		Develop outcomes linked to the Governments emerging Outcome Framework	Housing Solutions Manager April 2026
		Develop and implement a performance framework based on the customer journey, not only using H-Clic data	Housing Solutions Manager April 2026
Establish a lived experience advisory panel to further enhance the performance monitoring to further drive forward any service improvements and delivery		Work with media to recruit to a lived experience panel to ensure feedback from service users is incorporated into service development and delivery	Housing Solutions Manager September 2026
		Deliver bi-annual meetings, and in between utilise different methods to get feedback form service users on tier experiences	Housing Solutions Manager March 2027
Develop mechanisms for gaining insight through a variety of feedback routes ensuring these are used to drive service improvement		Review complaints and MP enquiries to identify any trends in issues	Housing Solutions Manager July 2026
		Use service user feedback from the lived experience panel	Housing Solutions Manager December 2026
Maximise opportunities to work with partners such as drug and alcohol services.		Identify partners and ensure they are invited to attend forums, meetings panels etc.	Housing Solutions Manager March 2027

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Tonbridge and Malling Borough Council

Housing Solutions Service

Homelessness and Rough Sleeping Strategy 2026-2031

Evidence Base

Version	Changes	Section	Date	Author	Status
1	New Draft			C. Keeling	

Evidence Base for the Homelessness and Rough Sleeping Strategy (2026-2031)

1. Introduction

Homelessness and Rough Sleeping have a detrimental effect on individuals, families and society, and is a key challenge facing all communities across the country. It is driven by a range of factors, both structural, such as housing affordability, insecurity in the private rented sector as well as individual factors such as drug and alcohol abuse, poor physical and mental health, crime and anti-social behaviour, poor educational attainment, debt, unemployment and the breakdown of support networks. Tackling homelessness can be costly when compared to the costs associated with proactively seeking to prevent homelessness in the first place, and many households approach the council at the point of crisis, and so our ambition is to intervene earlier, and ensure those who come to Tonbridge and Malling Council about their housing situation get the right support at the right time.

The Housing Act 1996 (as amended 2002) is the primary homelessness legislation and provides the statutory framework within which local authorities work. The 1996 Act was amended in 2002, and this introduced the requirement for all local authorities to have a homelessness strategy which is based on a review of homelessness in the district. The legislation determines that the strategy must set out the authorities plans for the prevention of homelessness and securing sufficient accommodation and support is available for households that approach the local authority as homeless. Tonbridge and Malling previously worked with other West Kent Authorities and there was a West Kent Strategy, but when this expired, actions were included in the Councils housing strategy related to Homelessness and Rough Sleeping, but with the increase in demand on services the Council has an ambition to develop a standalone Homelessness and Rough Sleeping strategy to take the Council through to Local Government Reform in 2028.

This evidence base meets the requirement contained within the 2002 Act, that we must base any strategy in a review of homelessness in the district, and this will underpin the new Homelessness and Rough Sleeping Strategy 2026-2031. It provides a comprehensive overview of the national, regional and local context within which the council homelessness service operates, and will set out homelessness trends, local housing market pressures, and the wider socio-economic context in the Tonbridge and Malling district and will form part of a suite of documents including the Strategy, a comprehensive action plan, which will be based on what the evidence tells us within this document, a full equalities impact assessment and a risk assessment.

Throughout this document Homelessness will be used as a generic term, however where information relates to specific cohorts, this will be identified.

2. Our current service

Tonbridge and Malling Housing Solutions Service delivers the strategic housing function of providing advice and assistance to those who need help to keep their home or find a new one in line with Parts VI and VII of the Housing Act 1996. People approach directly but can also be referred and we deal with multiple housing issues. We average 3 appointments a day in the service, and Customer Services dealt with 9,464 calls for the service in 2024-2025.

Our website also contains information on a range of housing issues, and we engage with social media when there is a key message we want to get out such as when we activate SWEP. We actively encourage users to self-serve and to try and resolve their own issues, however there will always be households who are not able to do this and who will need support and guidance from the council.

During Covid a lot of this work was done remotely and via telephone, however services are now offered face to face again on an appointment basis, although no one will be turned away if they drop in. It is hoped with the refurbishment of the Gibson building; we will be able to continue with delivering face to face services to those who need to access advice and support with their housing issues.

The Housing Solutions Service is delivered across three teams

Homelessness and Rough Sleeping service is responsible for initial point of contact with applicants. Applicants are triaged, and once this is completed it is determined what happens to the application. If an application is to progress to a prevention or relief duty, then it is allocated to an officer to complete the prevention and relief work. This team also work to deliver services for those who are rough sleeping working with our commissioned service Porchlight.

The Accommodation service deal with bookings for temporary accommodation as well as managing our TA stock, compliance and standards in this, and move on options for those who may be in TA. Our landlord Offer also sits within this team.

Allocations are responsible for the administration of the housing register, they assess applications, advertising of properties, as well as nominations agreements, shortlisting and are instrumental to developing our emerging approach to partnership working with RPs around forums and performance management.

We also received new burdens funding when the Domestic Abuse Act was introduced, and we have utilised this and share a Housing Independent Domestic Abuse Advisor (IDVA) with Tunbridge Wells Council. We are also working closely with our DA coordinator who is situated in the Community Safety Team on achieving the Domestic Abuse Housing Alliance Accreditation. (DAHA) This has resulted in training for the team as well as improving awareness of the issues faced by those who come to the service who have or who are experiencing DA.

Our Rough Sleeping Grant was used to procure jointly with Tunbridge Wells Porchlight to deliver our rough sleeper services. This includes our verification process, rapid intervention and support, prevention work, tenancy sustainment and a Housing First project for Tonbridge and Malling. We have also secured 9 units of off the street accommodation in the district and are working with Porchlight and Tunbridge Wells to secure further units.

3.. What is homelessness?

To access the Council's service, a household must be threatened with homelessness, or Homeless. These are defined within the Code of Guidance;

A person is threatened with homelessness if they are likely to become homeless within 56 days. An applicant who has been served with valid notice under section 21 of the Housing Act 1998 to end their assured shorthold tenancy is also threatened with homelessness, if the notice has expired or will expire within 56 days and is served in respect of the only accommodation that is available for them to occupy.

An applicant is to be considered homeless if they do not have accommodation that they have a legal right to occupy, which is accessible and physically available to them (and their household) and which it would be reasonable for them to continue to live in.

Rough sleeping is defined for the purpose of rough sleeping estimates as

People sleeping, about to bed down (sitting on/in or standing next to their bedding) or bedded down in the open air (such as on the streets, in tents, doorways, parks, bus shelters or encampments). People in buildings or other places not designed for habitation (such as stairwells, barns, sheds, car parks, derelict boats, stations, or ébashesê).

4. Strategic context

This section sets out the Strategic and legislative context within which this strategy is framed at a national, regional, and local level

4.1 National context

Since the implementation of the 1996 Housing Act (as amended 2002), focus within housing services has been on the prevention of homelessness, along with the key requirement to produce a Homelessness Strategy. The following section sets out some of the key pieces of legislation that frame the delivery of homelessness services across England.

4.1.1 Housing Act 1996 (as amended 2002)

Prior to the 1996 Housing Act, Councils had a broad duty to secure permanent accommodation for homeless households, where they were homeless or threatened with homelessness, had a priority need and were not intentionally homeless. When introduced The Housing Act 1996 reshaped these homelessness duties and tightened and formalised the homelessness processes.

The 1996 Act was amended in 2002 and introduced the requirement for authorities to have a homelessness strategy which is reviewed every 5 years, with a supporting evidence base, strengthened the prevention duty, encouraged the need to work with other agencies, and enhanced the role of advice and information services for all applicants.

4.1.2 Homeless Reduction Act 2017

This became the biggest change to homelessness duties since the amendments in 2002 to the Housing Act. It kept the 1996 framework but widened it and introduced a duty to prevent or relieve homelessness. The Act ensured that all households who are homeless or threatened with homelessness is entitled to support regardless of priority or intentionality. This is achieved via the assessment of eligible households needs, and whether a household requires support to secure and sustain accommodation via the development of a personalised housing plan.

The requirement for a personalised housing plan is contained within the legislation, as is the duty to refer which was introduced to encourage public bodies to work together to prevent and relieve homelessness through a duty to refer.

[Housing Act 1996](#)

There are also statutory instruments and guidance to which the Council must have regard when exercising its functions relating to homelessness.

4.1.3 Homelessness Code of Guidance

This is document that provides guidance to which local authorities should give regard to when exercising their homeless functions

[Homelessness code of guidance for local authorities - Guidance - GOV.UK](#)

4.1.4 The Homelessness (Suitability of Accommodation) Order 1996

This order sets out the factors that must be considered when considering if it would be reasonable for a household to remain in their accommodation in relation to its affordability.

[The Homelessness \(Suitability of Accommodation\) Order 1996](#)

4.1.5 The Homelessness (Suitability of Accommodation) (England) Order 2003

This order amended the earlier 1996 order to strengthen the protection for those who are homeless and are vulnerable, particularly around the use of Bed and Breakfast Accommodation (B&B). This order sets out that this is not to be considered suitable for families with children, and when it is used, it is only done so in an emergency and for a maximum of 6 weeks.

4.1.6 The Homelessness (Suitability of Accommodation) (England) Order 2012

The Localism Act 2011 gave local authorities powers to end their homeless duties with an offer of accommodation in the private sector without requiring the applicants consent to do so. To ensure that any accommodation offered was suitable, the 2012 Suitability Order was introduced. This sets out the circumstances in which accommodation used to end a homeless duty in the private rented sector should not be considered suitable.

These remain the primary orders; however, amendments were made in 2022 and 2023 in response to households from overseas being placed in Hotel Accommodation,

[The Homelessness \(Suitability of Accommodation\) \(England\) Order 2012](#)

4.1.7 The Homelessness (Suitability of Accommodation) (England) Order 2022

This order modified the 2003 order and the 2012 order for a period of 1 year, to address the specific requirements of recent arrivals to the UK with family commitments to accommodate in B&B for more than 6 weeks, where no other accommodation is available to those households. It ensured that accommodation suitability was evaluated with a focus on caring duties. This was due to expire on the 01 June 2023.

4.1.8 The Homelessness (Suitability of Accommodation) (England) (Amendment) Order 2023

This amended the 2022 order and the 2003 order to extend the modifications to the rules on the accommodation deemed suitable for homeless individuals, and adjusted the definition of B&B. This was due to expire on the 01 June 2024 but was further extended until June 2025.

[The Homelessness \(Suitability of Accommodation\) \(England\) \(Amendment\) Order 2024](#)

These have now expired, and the suitability rules have now reverted to the primary orders, The Homelessness (Suitability of Accommodation) (England) Order 2003 The Homelessness (Suitability of Accommodation) (England) Order 2012

4.1.9 Procedures for referrals of homeless applicants to another local authority

The Local Government Association has developed procedures to guide local authorities in situations where an applicant approaches an authority but has no local connection. If a local authority considers the conditions of referral of the case are met, it must notify the other authority of this opinion. Referrals are discretionary.

[Procedures for referrals of homeless applicants to another local authority | Local Government Association](#)

Figure 1 shows the evolution of homelessness law in England (it is important to note that Homelessness legislation is different in Wales and Scotland)

EVOLUTION OF HOMELESSNESS LAW IN ENGLAND



Figure 1 | Evolution of homelessness law in England

4.1.10 The Government's strategic framework for Homelessness

Initially published in 2018 the Government, via its Rough Sleeping Strategy committed to halve rough sleeping by 2022 and end it by 2027. The strategy focused on three key themes, prevention, intervention, and recovery. Between publication and the update in 2022, the Country went into lockdown in March 2020 due to the Covid Pandemic. This involved all Councils being required to ensure the health and wellbeing of all rough sleepers and they were required to provide TA, regardless of priority need. This was known as the Everyone In initiative.

The Government then published their updated Rough Sleeping Strategy in 2022, 'Ending Rough Sleeping for Good'. This was a cross departmental document with a goal of ending rough sleeping. It contained four key themes, Prevention, Intervention, Recovery and transparent and joined up systems. It also set out a definition of what is meant by ending rough sleeping, which is

'Prevented wherever possible. And where it does occur it is rare, brief, and non-recurrent'

This has now been superseded by the new plan to end homelessness which was published in December 2025.

The National Plan to end Homelessness sets out a long-term vision to make homelessness rare, brief, and non-recurring. The key aim is to shift the focus from managing crisis to preventing homelessness before it happens and stepping into resolve it quickly where it does. The plan has involved lived experience in its development and contains both national targets as well as cross government targets, to reduce the number of people becoming homeless when they leave public institutions.

The national headline targets are

- To build 1.5 million new homes
- To increase the proportion of people supported to remain in their own homes or helped to find alternative accommodation when they approach the council for support
- Eliminate the use of B&B accommodation for families and
- To halve the number of people experiencing long term rough sleeping.

To achieve the national targets and those committed to by the Government departments, the national plan has a comprehensive action plan based on 5 pillars

- Universal prevention – this is aimed at tackling the root causes of homelessness and make homelessness rare, by providing a boost to homebuilding, making the best use of stock, and improving supported housing and housing for people with additional needs
- Targeted prevention – this provides support for those who are more risk of becoming homeless and ensures that tackling homelessness is shared responsibility with all public services collaborating to prevent homelessness
- Preventing crisis – this is to help people remain in their homes by giving councils the flexibility to deliver services to meet the needs of the local community and focus on prevention
- Improving emergency responses – the focus on improving TA and making the experience better if people do become homeless
- Recovery and preventing repeat homelessness – ending the cycle of homelessness and halving rough sleeping

The action plan includes change across the short, medium, and long term

The plan can be found here

[A National Plan to End Homelessness - GOV.UK](#)

4.1.11 Domestic Abuse Act 2021

The Domestic Abuse (DA) Act introduced in 2021, set out a legal definition of DA, created a DA commissioner, and introduced new DA notices and orders. It also requires authorities to place those who are leaving an abusive situation to be placed in safe accommodation and recognises children as victims of DA if they witness it. It defines DA as

Behaviour of a person (‘A’) towards another person (‘B’) is ‘domestic abuse’ if

- (a) A and B are each aged 16 or over and are personally connected to each other, and
 - (b) the behaviour is abusive.
- (3) Behaviour is ‘abusive’ if it consists of any of the following:
- (a) physical or sexual abuse;
 - (b) violent or threatening behaviour;

(c)controlling or coercive behaviour;

(d)economic abuse (see subsection (4));

(e)psychological, emotional, or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

(4) "Economic abuse" means any behaviour that has a substantial adverse effect on B's ability to

(a)acquire, use, or maintain money or other property, or

(b)obtain goods or services.

(5) For the purposes of this Act A's behaviour may be behaviour towards B even though it consists of conduct directed at another person (for example, B's child).

The key change brought about by the introduction of the DA act for homelessness services was the extension of the eligibility criteria for priority need for homelessness to include households who have been forced to leave their homes due to fleeing DA.

[Domestic Abuse Act 2021](#)

4.1.12 Supported Housing (Regulatory Oversight) Act 2023

The Supported Housing (Regulatory Oversight) Act came into force in 2023. It was introduced as a private members bill, in response to issues with the quality of supported accommodation. The key aim was to regulate supported housing, more specifically exempt accommodation, to improve standards across the sector with the aim of protecting vulnerable tenants from exploitation and ensure that they are living in decent homes with a good standard of care or support.

Contained within this act were changes to when a local authority can make an Intentional Homeless decision. The Act allows the Government to create national supported housing standards. If a person is evicted from accommodation which does not meet these standards, then they cannot be found intentionally homeless.

This element has not yet been implemented as the proposals for implementing the measures contained within the act were consulted on in early 2025, with further consultation expected in 2026 on the draft regulations which will then allow the Act to be implemented.

4.1.13 Renters Reform Act 2025

The Renters Reform Bill 2025 has recently been given Royal Assent and is now legislation. When enacted (there is phased enactment, with the key homelessness changes in May 2026) it is set to transform the experience of private renting, with the most notable change being the abolition of Section 21 no fault evictions. The aim is to give renters more security and stability.

Whilst there is a raft of reforms due to be introduced via the introduction of this bill, the key reforms are

- The abolition of section 21 no fault evictions
- To level up possession grounds and ensure they are fair for both parties
- The introduction of a Private Sector Landlord Ombudsman
- Create a private rented database
- Apply Decent Homes standard to the private sector
- Introduce Awaab's law
- Make it illegal for landlords and agents to discriminate against tenants on benefits and with pets
- Strengthen Local authority enforcement powers

4.1.14 Equalities Act 2010

The Equalities Act contains a specific Public Sector Equality Duty which requires public authorities to consider how policies, decisions and services affect people with protected characteristics and have due regard to the need to eliminate unlawful discrimination.

4.2 Regional Context

At a more local level there are county initiatives that impact on the delivery of homelessness services in Kent

4.2.1 Kent Housing Group

The Kent Housing Group (KHG) is a forum for housing organisations in Kent. KHG has representation from all twelve Kent local authorities, Medway Council, housing associations, and Kent County Council. KHG also has affiliated representation from other partner agencies such as the National Housing Federation and the National Landlords Association. Representation from each of the members is at a senior level, so a Head of Service within the local authority or Chief Executive of a housing association.

KHG has an Executive Board, which oversees and provides guidance for the wider membership and subgroups, to ensure that the aims and objectives of the group are met.

Primarily KHG encourages sharing best practice, identifying areas for joint working, and agreeing positive objectives for housing. As a collective the group also aims to

Provide strategic leadership in shaping and setting the housing agenda;

To build relationships and influence decisions for the benefit of Kent;

To draw in resources from both traditional and alternative sources.

To work together to improve the supply and quality of affordable homes.

To create sustainable communities in Kent.

The KHG is also responsible for the review and production of the Kent and Medway Housing Strategy.

[Kent and Medway Housing Strategy 2025-2030, Better Homes: Growth, Wellbeing and Choice - Kent Housing Group](#)

Subgroups

Kent Housing Group has several subgroups that sit beneath the umbrella of the main membership. These subgroups are both strategic and operational, they all have varying roles and functions, but they all support the vision and objectives of Kent Housing Group

[Kent Housing Options Group](#)

The key subgroup for the purposes of supporting the work of the strategy is the Kent Housing Options Subgroup.

4.2.2 Domestic Abuse Housing Alliance (DAHA) Accreditation

DAHA accreditation provides a framework for accreditation in delivering DA services in the Housing Sector. Tonbridge and Malling Borough Council is working towards achieving this, along with all other districts across Kent.

The accreditation focuses on 8 key areas that looks at the organisation's operations, and ensures the Council is delivering a safe and effective response to DA.

To achieve accreditation organisations must be signed up as a member with DAHA, and this membership provides resources, events, and advice from the DAHA service, as well as the opportunity to network with other providers.

4.3 Local context

4.3.1 TMBC Corporate Strategy 2023 to 2025

Tonbridge and Malling Borough Councils Corporate plan sets out the Councils vision for the period 2023 to 2027 and how the Council will plan and deliver services to ensure they are cost effective and remain relevant to the needs of residents, Businesses, and visitors to the district. It sets out the Councils vision

‘To be an innovative and forward-thinking council, which leads people and businesses of the borough towards a vibrant, prosperous and sustainable future’

The Council also has identified three core values that it believes are key to achieving this aim

- Innovation
- Transformation
- Delivery

Sitting under these values are four key priorities, which then form an action plan to guide the councils service delivery

Efficient services for all our residents maintaining an effective council

Sustaining a borough which cares for the Environment

Improving housing options for local people whilst protecting our outdoor areas of importance

Investing in our local economy

4.3.2 Housing Strategy

Tonbridge and Malling have a current Housing Strategy supported by a complete action plan.

[Housing strategy and policy in Tonbridge and Malling Borough Council](#)

4.3.3 Allocations Scheme

Every local authority must have an allocations scheme which sets out how social housing within the district will be allocated.

[Housing allocation scheme in Tonbridge and Malling Borough Council](#)

This strategy will sit alongside these documents and provide the key framework within which the Housing Solutions Service operates.

4.3.4 Other key council strategies and Policies

The corporate strategy does not stand alone, and all the following underpin the strategy and contribute to the delivery of this.

Climate Change Strategy

[Climate change strategy 2020 to 2030 in Tonbridge and Malling Borough Council](#)

Digital Strategy

[Digital strategy 2023 -2027 in Tonbridge and Malling Borough Council](#)

Economic Recovery Strategy

Tonbridge and Malling Borough Council
Homelessness and Rough Sleeping Strategy 2026 to 2031
Evidence Base

Local Plan

[Local plan i Tonbridge and Malling Borough Council](#)

Savings and Transformation strategy

[Search results i Tonbridge and Malling Borough Council](#)

4.4 Health and Homelessness

It has long been recognised that there are significant links between housing and the health of the population, with housing being recognised as a key determinant of health in the 2010 Independent Marmot Report.

10 years later in the updated report The Marmot Review 10 years on, it was stated that inferior quality housing harms health and evidence shows that exposure to poor housing conditions (including damp, mould, and noise) is strongly linked to poor health, both physical and mental.

Homelessness also impacts on the life expectancy of those who rough sleep with the average age of death for those rough sleeping being much lower than the general population.

4.5 The impact of homelessness on children (House of Commons Report) England's Homeless Children: The crisis in temporary accommodation.

The highest number of children on record are currently living in TA. A report published in April 2025 looked at this issue and the outcomes for these children and the unsustainable cost pressures on local authorities.

Many households stay in often unsuitable TA for prolonged periods with many authorities breaching the 6-week limit on families in B&Bs, with households sharing, communal facilities, often with strangers, and at least 74 child deaths in the last 5 years where temporary housing has been a contributory factor. It also touched on the impact of household being placed out of district, and the impact on children's education.

The report made several recommendations

- That all TA must be inspected before first use and whenever new residents are placed.
- B&B use must be ended
- More formal monitoring of the use of out of area placements
- Improve the notification process where households are placed out of area
- The extension of Awaab's law to TA

5. Funding

The Council has now had its funding for the next three years confirmed. The allocation is set out in table 1 below. A breakdown between homelessness and rough sleeping funding has not been provided, as local authorities are expected to design services holistically across all forms of homelessness. However indicative funding amounts for Homelessness and Rough Sleeping, Renters' Rights New Burden and Domestic Abuse Safe Accommodation Grant have been put in the table. These funding streams form part of the larger ring-fenced Homelessness, Rough Sleeping and Domestic Abuse grant.

Year	Homelessness, Rough Sleeping, Domestic Abuse Grant TOTAL	Funding for homelessness and rough sleeping	Funding for Renters' Rights Act 2025 New Burdens	Funding for Domestic Abuse Safe Accommodation Grant
Financial year 2026/27	£923,296	£827,930	£57,197	£38,169
Financial year 2027/28	£933,208	£867,265	£26,931	£39,012
Financial year 2028/29	£939,281	£899,467	£0	£39,814
Total Allocation Financial Years 2026-29	£2,795,785	£2,594,662	£84,128	£116,995

Table 1 i Funding for 2026 i 2029

6. Evidence

This section focuses on the scale and nature of homelessness both nationally and locally. Nationally statistics on homelessness are published by MHCLG and are based on quarterly statistical returns submitted to MHCLG on a quarterly basis called the 'homelessness case level information collection' (H-Clic).

Rough sleeper numbers are published on an annual basis based on a count on a given night in the autumn.

6.1 Demographic data

The 2021 Census identified that the population of Tonbridge and Malling is 132,201 people which is an increase of 9.4% from the previous census in 2011.

As of 2021 the district contained 55,487 dwellings and 53,536 households which means there is a vacancy rate of around 3.5%

Women make up 51.3% of the population with men 48.7%

89% of residents were born in England with smaller proportions born elsewhere in the UK or abroad.

The ethnic composition of the district is 93% white with the next biggest groups being

- Asian / Asian British 2.9%
- Mixed 2.2%
- Black / black British 1%

6.2 Current housing provision in Tonbridge and Malling

The following data is taken from the Council's Strategic Housing Market Assessment which can be found at the following link for more detail

[Local Plan evidence i Tonbridge and Malling Borough Council](#)

Housing delivery since 2015 i 2016 has averaged 242 dwelling annually, but this has increased significantly to 483 in 2021 i 2022

The borough has a high-level owner occupation compared to wider areas (72.1%) with the average house price being £390,000 which exceeds the national and regional equivalents

House prices have risen over the last 10 years

Affordability has reduced but average prices are 11 times over the average earnings in the district

Average rents in April 2025 were higher than the national and regional averages, at £1370 with rents increasing by around 28%

The number of children in the district is above average, with around 32% of households in the district containing children compared with 29% regionally and nationally

There is a marked difference between types of households with married couples with children more likely to live in the owner-occupied sector and lone parents in the social or private rented sector

Older people have high levels of owner occupation, and this is projected to increase. An ageing population is likely to increase the levels of disabilities in the district

The housing situation in the district has also been impacted by the situations in Syria, Hong Kong, Afghanistan and more recently Ukraine, with the Government setting up schemes to support refugees from these countries to settle in the UK. The longer-term impact of these schemes is not clear, but there is likely to be ongoing pressure placed on available housing in the district.

6.2 Lettings demand

The council operates the housing register for the district, although it does not own or manage any stock.

In 2023 the Council updated its allocations scheme and introduced a new system to manage the housing register. Applicants were asked to reapply to join the register, and the resulting effect was a significant reduction in the numbers of households waiting for social housing. However, applications to the housing register have significantly increased. This is a trend that is showing no signs of slowing with the highest number of applications submitted in January the highest figure recorded (The peak in June and July 2023 was when we closed our previous system down and introduced the new one and asked all applicants to reapply) However since then applications have been consistently higher as can be seen in figure 2

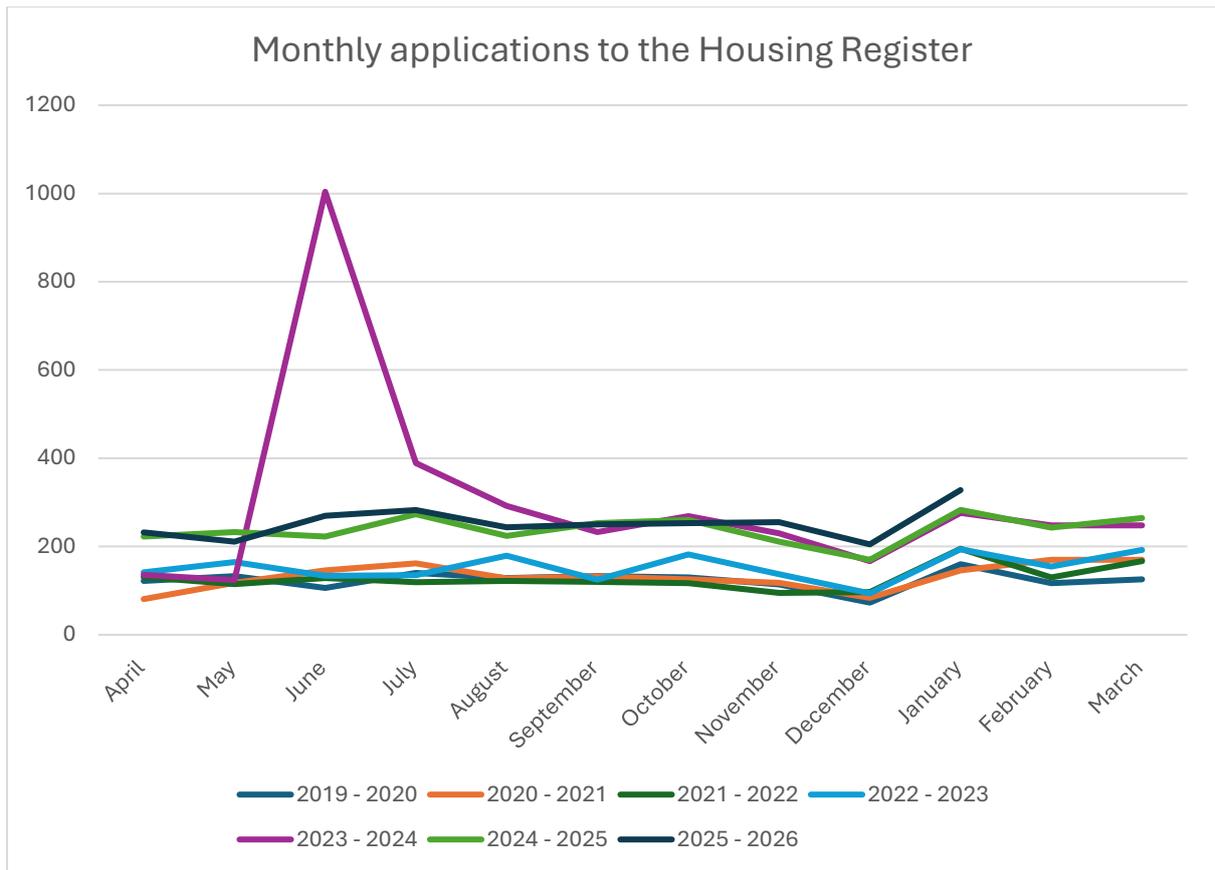


Figure 2 i applications to the housing register

Demand is highest for one-bedroom homes, which suggests that younger households are applying as they cannot afford to get on the property ladder, and may also reflect that one of the main reasons for homelessness in the district is friends and family no longer willing to accommodate

Demand for larger properties is less, but due to limited availability of 4+ bedroom homes, these households wait the longest on the register to be rehoused.

6.3 Homelessness data

This section looks at homelessness data for the district.

1278 households approached or were referred to the service in 2024 i 2025. The Service assessed 689 of these and accepted a duty to 512 households, this was a 4% increase from the previous year. Whilst there have been some fluctuations, what this table demonstrates is a consistent increase in households owed a duty. Table 1 illustrates numbers assessed as being owed a duty have increased consistently with a 72% increase in demand from 2019 in Tonbridge and Malling. Nationally this figure increased by 14%.

Duty to refer remains a keyway for households at risk of homelessness to be referred into the service. We saw a 49% increase in those referring via the duty to refer process between 2023 i 2024 and 2024 i 2025. The agencies who refer the most are the Job Centre and Probation.

Table 2 shows the number of applications where a duty was accepted nationally, regionally, across the southeast and locally in Tonbridge and Malling

	2019 - 2020	2020 - 2021	2021 - 2022	2022 - 2023	2023 - 2024	2024 - 2025
Owed a duty nationally	288220	269450	276360	298180	326090	330140
Owed a duty southeast	40430	37950	36300	39990	44640	43890
Owed a duty T&M	296	306	265	323	491	512

Table 2 i Prevention and Relief duties accepted by year nationally, regionally and locally

Following a review of the Housing Solutions Service, specifically the Homeless and Rough Sleeping service, in early 2021, the service was split out into a specialist triage service, prevention and relief. The first prevention officer was recruited into this service in Quarter 4 of 2021. Figure 3 clearly demonstrates that prior to this relief acceptances were consistently higher than prevention. However, since the inception of the prevention service, constantly prevention acceptances have been higher than relief. Whilst this does not always mean prevention is successful, more cases are going through prevention increasing the opportunity to prevent homelessness and stop the use of TA.

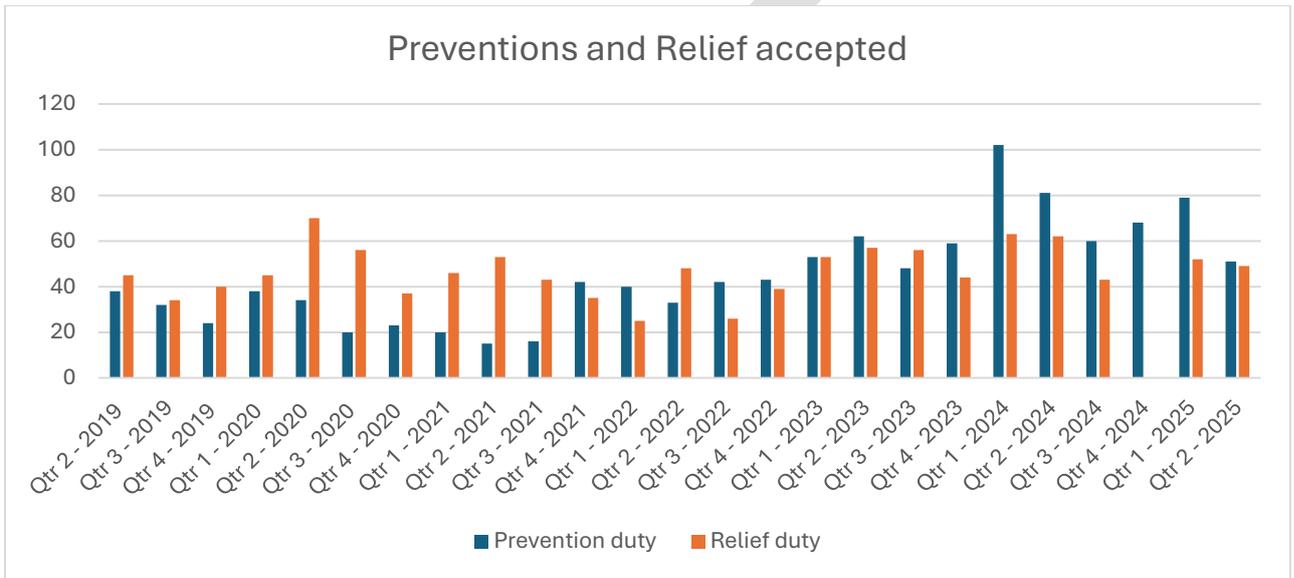


Figure 3 i Preventions and Reliefs accepted

The main reasons for homelessness in the district reflect national statistics and generally regional statistics with the main reasons for approach being given as

- Friends and family no longer willing to accommodate
- Ending of private rented sector tenancies
- Domestic Abuse

Figure 4 shows the main reasons for loss of home in 2024 i 2025 and 2025 year to date (as of the end of January 2025)

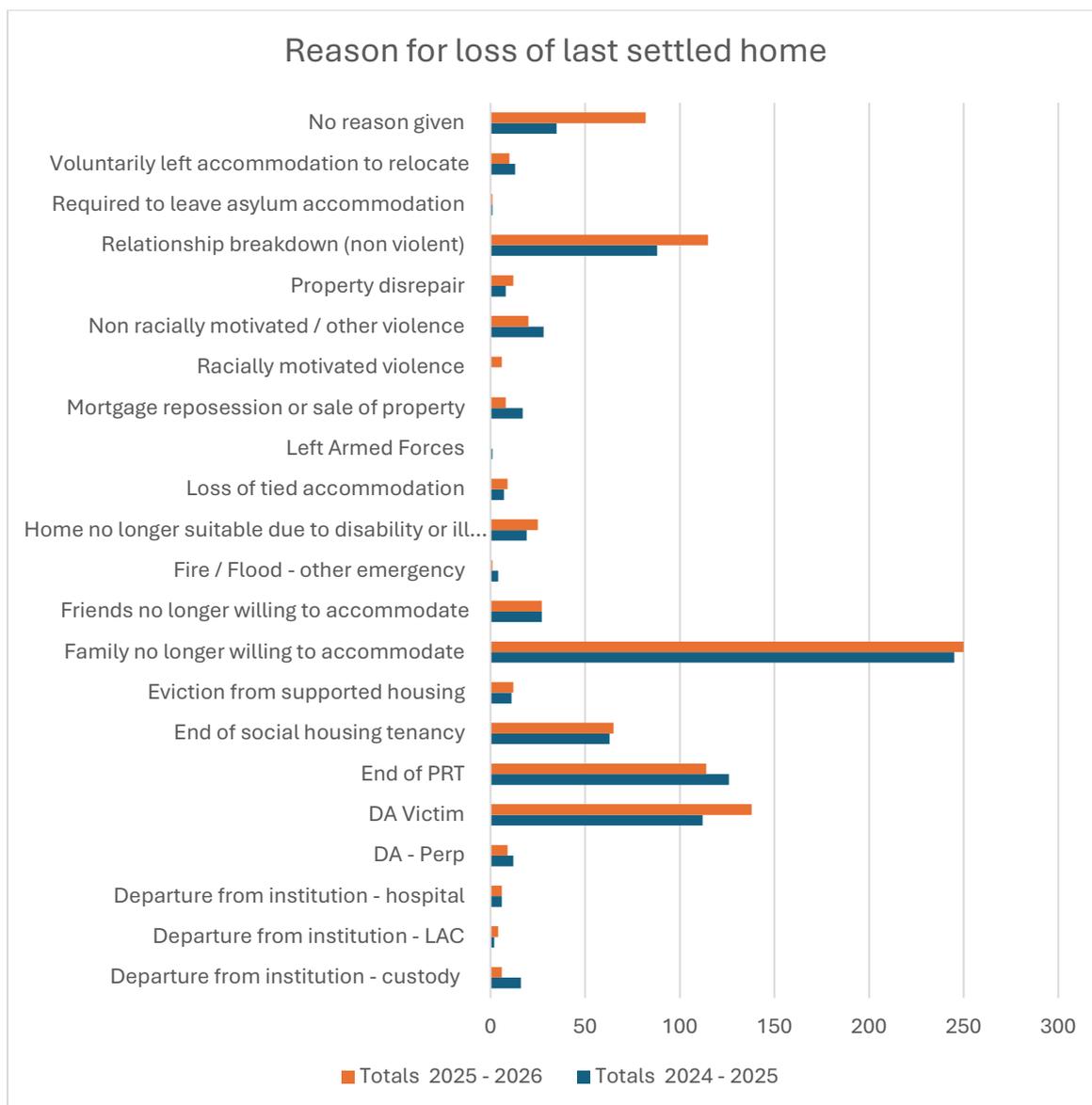


Figure 4 i main reasons for loss of home

Whilst family and friends no longer willing to accommodate is consistently the main reason for loss of the home, this can be a broad category with many reasons to it, and it needs further interrogation to try and understand it.

Similarly, no reason given makes up a significant number of approaches and this also needs further interrogation.

It is also anticipated that the implementation of the abolition of section 21s in May 2026 as part of the changes being made through the Renters Reform Act 2025 will lead to an increase in section 21 notices being served over the coming months as landlords anticipate the changes.

6.4 Temporary Accommodation

Local housing authorities in England have a duty to secure accommodation for unintentionally homeless households in priority need under Part 7 of the Housing Act (1996). Households may be placed in temporary accommodation pending the completion of inquiries into an application, or they may spend time waiting in temporary accommodation after an application is accepted until suitable secure accommodation becomes available.

Most applicants placed by the council in temporary accommodation are either awaiting the outcome of a homeless application under section 188 of the 1996 Act, (an interim duty to accommodate), or are waiting for an offer of suitable accommodation.

Figure 5 shows a snapshot of households in TA at the end of each month from 2019 to January 2026.

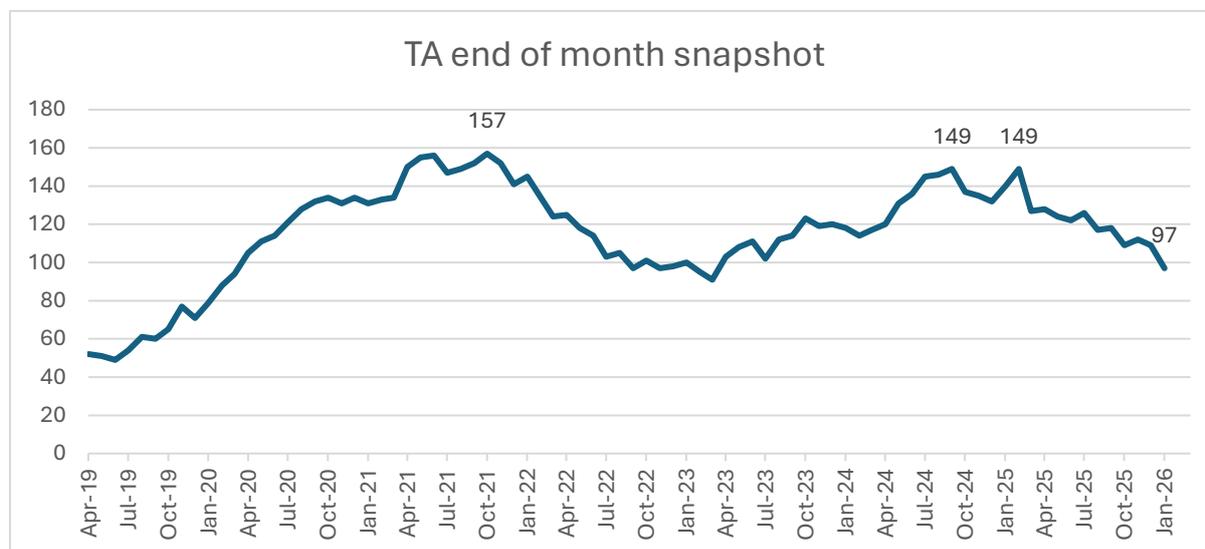


Figure 5 i Snapshot of TA at month end

In many areas lack of suitable TA has led to councils having to use B&B for families for longer than the 6-week period. Tonbridge and Malling do not use B&B accommodation for any families. However high costs of housing in the district means that supply of nightly paid accommodation in the district is limited and whilst the Council does own lease and manage TA, numbers have been low, and there has traditionally been an over reliance on expensive nightly paid, often out of the district which can lead to additional challenges for those who are homeless, such as being moved away from support networks, employment and crucially schools for children.

The average percentage placed outside of the district for 2024 i 2025 was 77% of households, which is one of the highest numbers in England. The last recorded quarter on H-Click (April i June 2025) was 80% of households out of area. This is anticipated to decrease with the new provision in Tonbridge and the development of other TA in the borough with the aim of bringing it more in line with national and regional averages, which nationally for 2024 i 2025 was 32% and regionally for the same period is 18%.

We do have a policy for determining which households get priority for moving back into the district, based on special educational needs, exams etc. This Policy was approved in 2021, but this now needs revision subject to member approval. So, affordability and availability hamper the Councils ability to place local families into accommodation in the district.

However, the Council aims to reduce this figure, by working on expanding the stock of TA managed by the Council. Initially the Council had 16 units in borough, 2 HMOs with a total of 8 bed spaces, 2 x 4-bedroom houses and 6 flats, a mix of 1 and 2 bedrooms, and a unit in Maidstone with 7 self-contained studios. In October 2025 the Council opened new TA in Tonbridge giving an additional 18 units of accommodation in the borough. One 4-bedroom house will shortly be used for resettlement purposes. This brings the total up to 40 units under the Councils control at the moment. Plans have also recently been approved to put 12 modular units on land at the top of Bluebell Hill. Figure 6 is an artists impression of what the units could look like when completed.

The data shows variation in the demand for TA, but it is anticipated with the changes to renting that the demand for TA and the Councils services will continue to grow.



Figure 6 i Proposed modular TA accommodation

Most households move on from TA into the social rented sector. In 2024 i 2025 we accepted a main housing duty to 184 households and 113 of those had their duty ended with an offer of social housing, and we had only 1 main duty ended via a formal private rented sector offer.

In May 2025 the Accommodation Service was moved to sit within the Housing Solutions Service and what this has led to is better joint working between the teams, and whilst demand is increasing on the service TA numbers are reducing.

This service has had some success in ending duties with offers in the private rented sector, however there was a recognition that this was an area where we could improve. Given this the Accommodation Service was expanded to include a specialist move on officer for the private sector. This has provided a resource within the team to work on developing the offer for private landlords and ensuring we are using the private sector for move on, particularly for larger households where stays in TA are significantly longer due to a limited number of homes available to move on into.

Rough Sleeping

This is the most visible form of homelessness, and the Council has a strong track record of tackling rough sleeping and working in a multi-agency environment with stakeholder in both the statutory and voluntary sectors.

Because of the strength of the partnerships, numbers of rough sleepers have remained consistently low in the district, and we commission Porchlight to work with us to prevent rough sleeping and where it does happen this ensures where anyone who is identified on the streets the stays are brief and non-recurring.

Working with Porchlight and Clarion Housing we have opened New Wharf as dedicated supported provision to provide off the street accommodation for those who would otherwise not have a priority need for housing and who may remain on the streets. We have 9 units of which TMBC have 5 utilised.

Again, working with Porchlight and Clarion we have a successful Housing First project in Tonbridge and Malling with 8 clients currently housed and working closely with their support worker.

We also work closely with mental health and the NHS and have available to us when we need it access to a Mental Health worker and a complex care nurse to call on when required.

On the single night rough sleeper count carried out in November 2025 we had a return of 6 rough Sleepers which is an increase from the previous year, however we monitor consistently and currently have 3 rough sleepers we know of sleeping out.

5 What is the evidence telling us?

All of the evidence presented above shows us that housing in the district can be unaffordable for some and there is a high demand for social housing.

Homelessness is at lower-than-average rates, but demand on the service is increasing

That we do well at prevention, but this can still be improved to continue to reduce those coming in at crisis point

We must address the issue of out of area placements as we have high rates of households placed out of area, disrupting education support and employment.

We have low levels of rough sleeping, but effective working partnerships are key to keeping these numbers low and ensuring those who do sleep rough get the support needed to stay off the streets.

6 What are our priorities?

Given all of the above we have identified the following as our key priorities

Priority 1 is To prevent homelessness earlier and support those who are at risk of homelessness to remain in their homes

Priority 2 is To minimise the use of emergency and temporary accommodation, reduce the reliance on nightly paid out of area TA and reduce numbers requiring TA

Priority 3 is Build on the excellent work already done to maintain the low levels of rough sleeping with the aim of achieving zero rough sleepers in the district

Priority 4 is Work with partners collaboratively to prevent homelessness

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Housing and Planning Scrutiny Select Committee

17 March 2026

Part 1 - Public

Matters for Cabinet - Non-key Decision



Cabinet Member	Cllr Mike Taylor – Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle - Director of Planning, Housing & Regulatory Services
Report Author	Kelly Sharp – Planning Policy Manager

Local Plan Regulation 18 (Stage 2) Consultation - Update

1 Summary and Purpose of Report

- 1.1 The purpose of this report is to provide an update to Members on the Tonbridge and Malling Borough Council Local Plan Regulation 18 (stage 2) consultation that took place between 10th November 2025 and 2nd January 2026. The report also seeks to update Members on Local Plan transport work and the financial implications of this work.

2 Corporate Strategy Priority Area

- 2.1 The report will contribute to the following corporate priorities:

- Efficient services for all our residents, maintaining an effective council.
- Sustaining a borough which cares for the environment.
- Improving housing options for local people whilst protecting our outdoor areas of importance.
- Investing in our local economy.

- 2.2 The Local Plan once progressed to adoption will be the key planning document for Tonbridge and Malling, setting out the Council's strategy for land use, therefore contributing to the achievement of all of the Council's Corporate Priorities.

3 Recommendations

- 3.1 HPSSC is asked to recommend to Cabinet to:

- NOTE the responses received to the Regulation 18 consultation and ENDORSE their publication on the Council's website.
- ENDORSE the Regulation 18 Local Plan consultation question response summaries and associated officer response should as published on the Council's website.
- CONFIRM that the Regulation 18 Local Plan consultation responses will be fully considered in the preparation of the Tonbridge and Malling Borough Council Regulation 19 Local Plan.
- NOTE the update provided in relation to progress on Transport evidence for the Local Plan and NOTE the potential cost implications of the work proposed.

4 Introduction and Background

- 4.1 Following the Cabinet Decision on 29th October 2025, the Council consulted upon a second Regulation 18 Local Plan for an eight-week period between 10th November 2025 and 2nd January 2026.
- 4.2 The Regulation 18 (2) Local Plan contained a draft vision and objectives for the borough, a draft spatial strategy for the area and included a number of housing and employment allocations to meet the borough's housing and employment need between 2024 – 2042. The Plan also contained a number of topic-based chapters setting out fully formed draft strategic and non-strategic policies.
- 4.3 Alongside the Regulation 18 Local Plan, the Council published numerous supporting documents including its Interim Sustainability Appraisal, Interim Habitats Regulations Assessment and Interim Combined impact Assessment (Equalities and Health) as well as an Interim Infrastructure Delivery Plan. A suite of other supporting documents and evidence bases were also published covering matters relating to housing, the economy, infrastructure, climate change, Green Belt and the natural and historic environment. All documents were available as part of the consultation on the Council's Local Plan website.
- 4.4 In addition, the Council undertook a fourth 'Call for sites', given that the Regulation 18 (2) Local Plan was not able to provide a sufficient buffer to the Government's housing requirement. A draft Active Travel Strategy was also consulted upon within the same consultation period.

5 Consultation engagement

- 5.1 The Regulation 18 Local Plan consultation was undertaken in accordance with the Council's adopted Statement of Community Involvement (2022) and its supporting Local Plan Engagement and Consultation Strategy (2024). Notification of the consultation was sent to all those held on the Local Plan consultation database either by email or post, which also includes statutory consultees, Duty to

Cooperate partners including relevant Local Authorities, Town and Parish Council's, other consultation bodies and interested parties. The Consultation was further promoted through various channels including the Council's website, TMBC app notifications (My TMBC) and social media platforms as well as a leaflet drop to all addresses within Tonbridge and Malling and adjacent postcode areas. To support accessibility and provide different ways to take part, we also hosted a virtual exhibition and provided an explainer video. All details of the consultation were published on our Commonplace consultation platform as well as the Council's website.

- 5.2 During the consultation period the Council held a programme of in-person drop-in sessions at Kings Hill and Tonbridge. In addition, the Leader of the Council attended 27 community group and parish and town council meetings, supported at many of these by the Cabinet Member for Planning. Virtual drop-in sessions were also held for Parish Councils as well as a number of officer meetings also.
- 5.3 In terms of reach, the online consultation platform received over 14,000 visitors. The Local Plan pages on our website were viewed 36,000 times; social media posts reached over 55,000 people and the virtual exhibition boards received over 5,000 views. Approximately, 2,150 people attended public meetings.

6 Responses to the Regulation 18 Local Plan Consultation

- 6.1 Following the Council's extensive engagement methods, there were a total of 6456 contributions received from 2,206 respondents. The previous Regulation 18 Local Plan Consultation in 2021/2022 received over 4,000 representations from 2,228 people. For our latest consultation, the majority (71%) of responses were received via our consultation platform. The remaining 29% of responses were submitted via email (963), with a very small number of responses received by post (38). All responses received by email or post have been entered into our consultation system by officers where the submissions related to a specific question / topic. Given the nature and sometimes length of the responses i.e. many did not answer specific consultation questions, officers took a 'best fit' by question or topic approach to inputting these responses.
- 6.2 Where submissions contained supporting information, such as landscape reports or specific site information that is not necessarily directly relevant to the consultation but is relevant to a site, then these documents have been added to the consultation system and have been made publicly available. A full list of PDFs and links to these documents are provided on our website (link below).
- 6.3 Nearly half of the responses (460) received by email / post were repeat representations relating mainly to draft site allocations (and other matters) as set out below.
- 308 email repeat representations relating to draft allocation TO1 (North Tonbridge).

- 37 email repeat representations relating to draft allocation SN1 (North of Holborough).
- 76 email repeat representations relating to draft allocations in and around Hildenborough (H12, TO4, HI1, TO3).
- 39 email repeat representations relating to draft allocation KH1 (Broadwater Farm).

6.4 We also received the following:

- A response from East Peckham Parish Council with 653 signatures.
- A questionnaire from Kings Hill Parish Council with 164 signatures.
- A questionnaire from Hildenborough Parish Council with 120 signatures.
- A response from East Malling and Larkfield with 257 signatures.

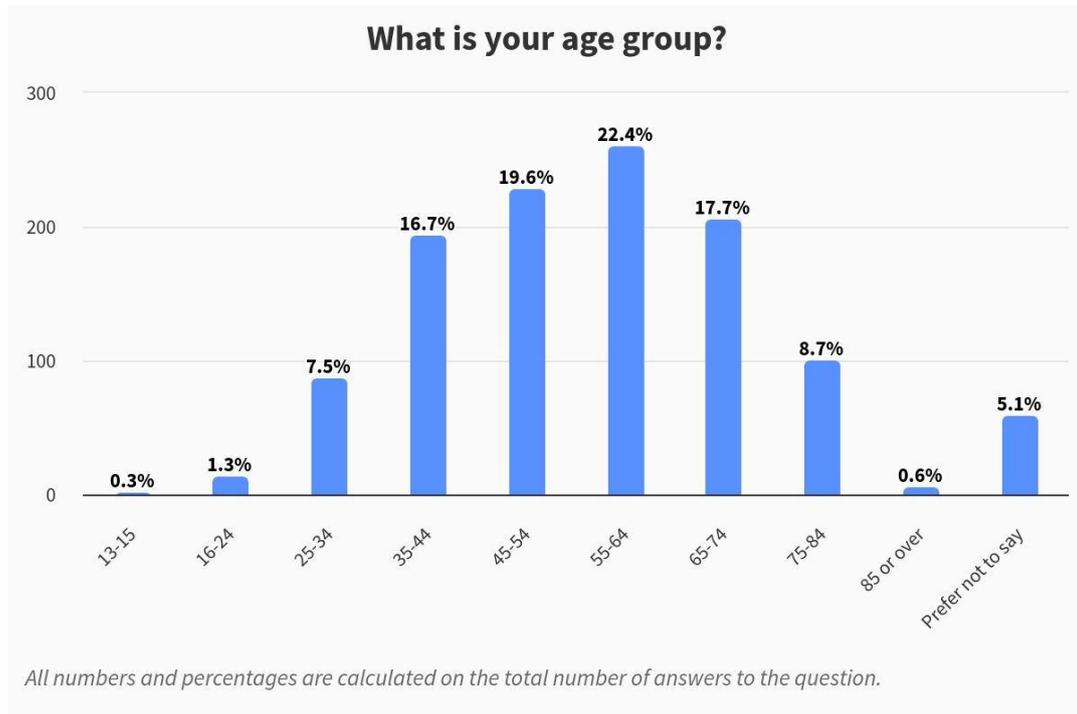
6.5 In addition to consultation responses, we received a total of 28 site submissions (17 new sites) as part of the Land Availability Assessment call for sites and one new site put forward to be considered as a Local Green Space. The assessment of the sites submitted will take place in due course and will be made publicly available via the public map, as per other call for sites information. We received 15 responses in relation to the Draft Active Travel Strategy Consultation.

7 Respondent profiles

7.1 The following graphs set out data on those who responded to the consultation. Providing this information was not compulsory and was provided only where respondents opted to do so. Around 1,180 respondents provided this data.

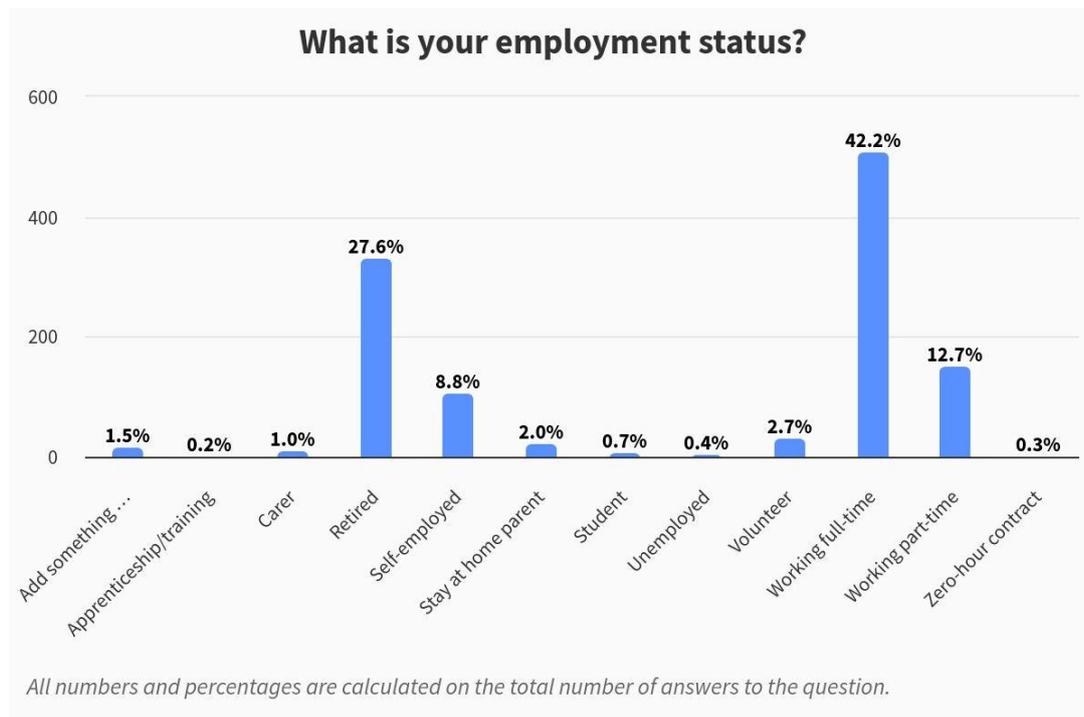
7.2 The majority of respondents (67.5%) were of a working age (16 – 64), with a smaller proportion (27%) of respondents over 65. There was a good range of people from different age groups taking part in the consultation.

Figure 1: Age group of respondents



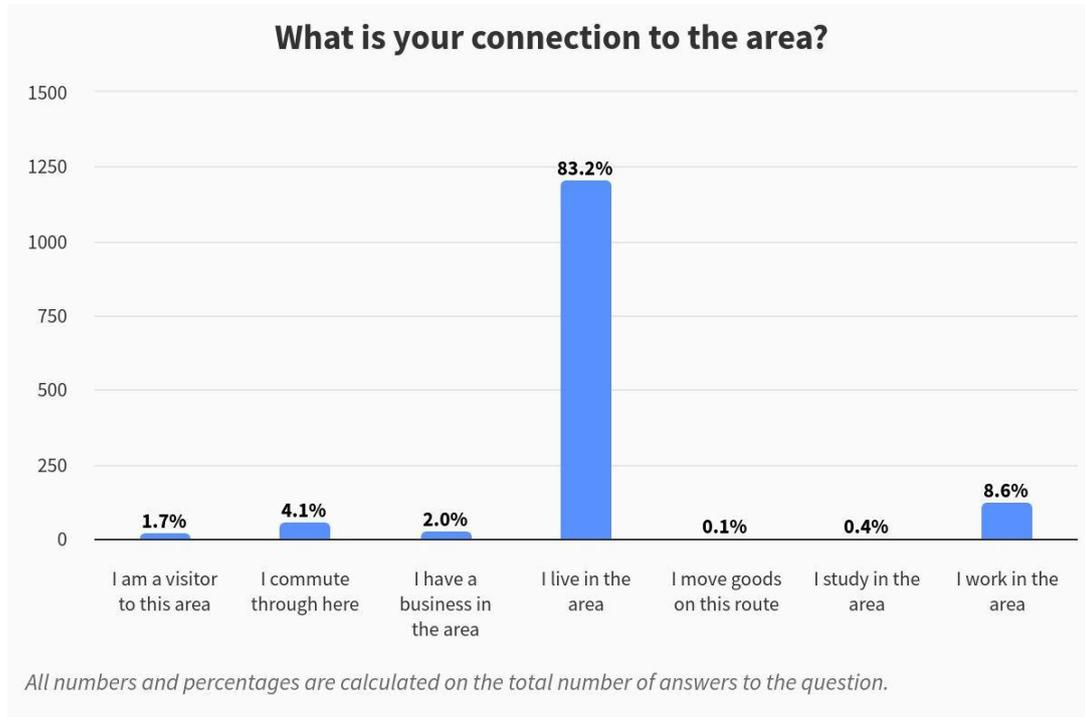
7.3 The majority of respondents were employed (64%), either working full-time or parttime, with 0.9% of respondents studying or in an apprenticeship and 27% of respondents having retired.

Figure 2: Employment status of respondents



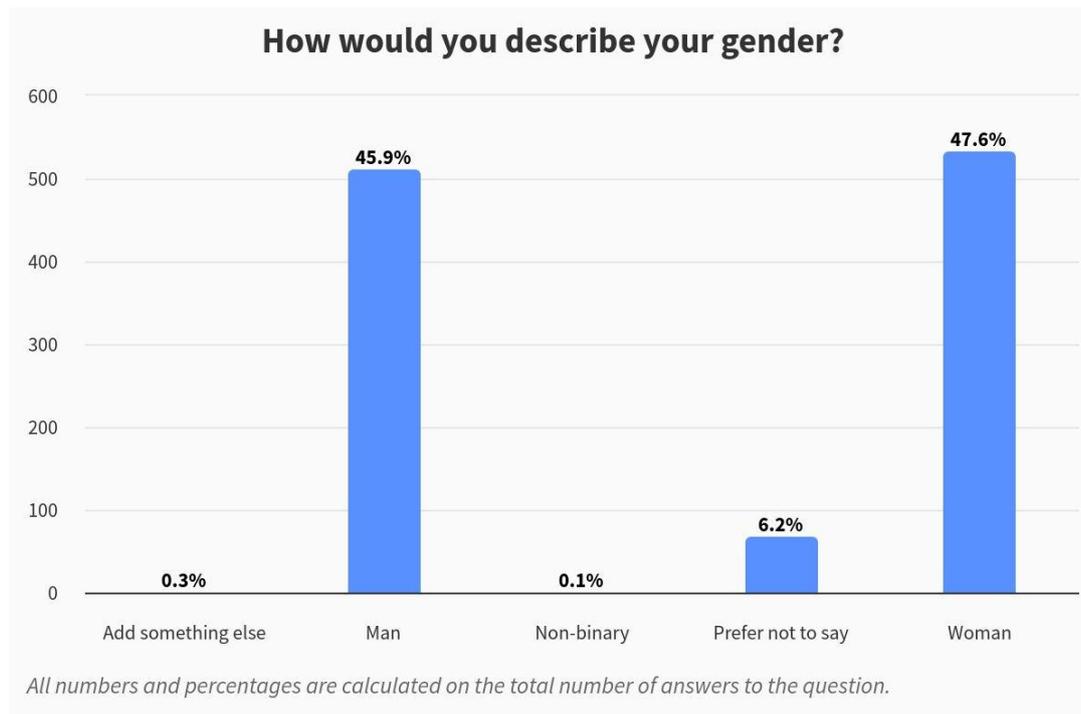
The majority of respondents who took part in the consultation lived in the area (83.2%) with 10.6% either working or having a business in the area.

Figure 3: Respondents connection to the area



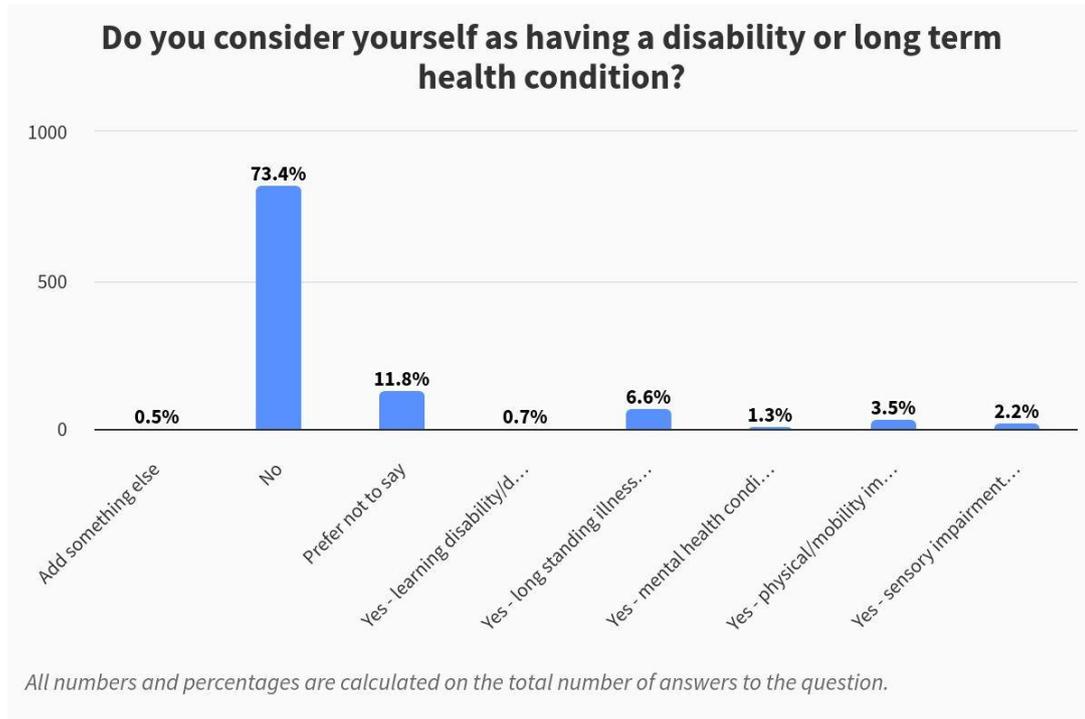
7.4 Slightly more women (47.6%) took part in the consultation compared to men (45.9%).

Figure 4: Respondents gender



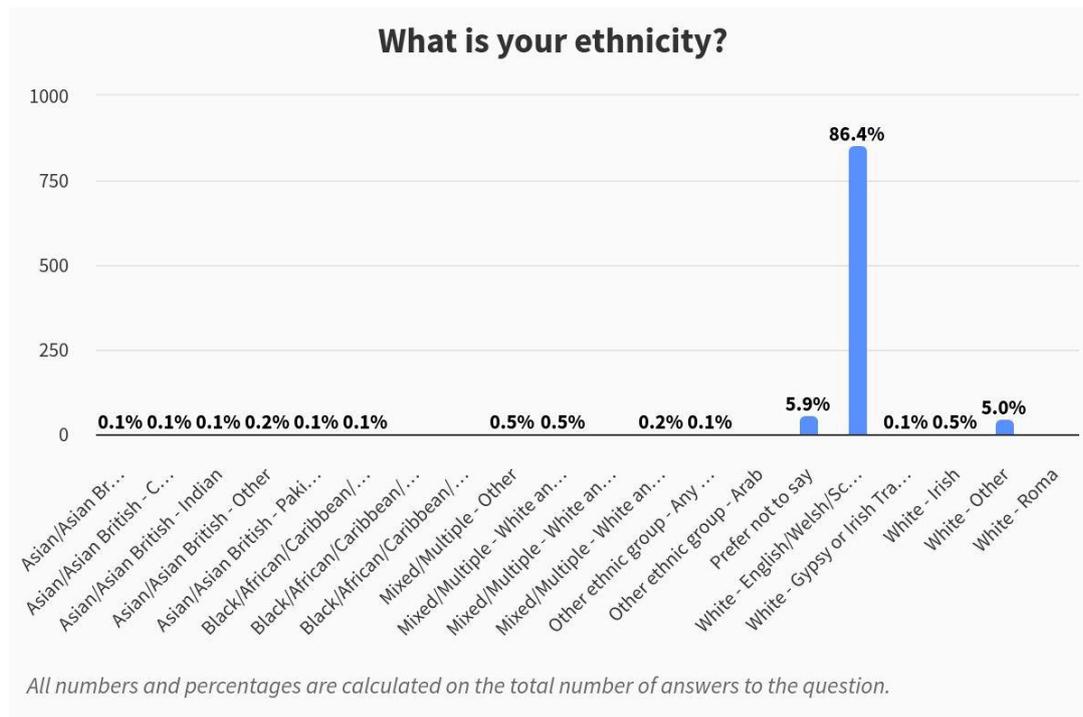
7.5 Whilst most respondents, did not have a health condition or disability (73.4%) around 14% of respondents did.

Figure 5 Health of respondents



7.6 Most respondents were white (91.4) with only 2.7% of respondents of another ethnicity.

Figure 6 Respondents ethnicity



8 Progress since the Regulation 18 Local Plan consultation closed

- 8.1 Members will be aware that the timetable to meet the Government's Local Plan submission deadline of 31st December 2026 is extremely challenging and that it is pertinent to meet our Local Development Scheme timetable if we are to submit a Plan by December 2026 to be examined under the current planning system.
- 8.2 Since the 2nd of January, when the consultation closed, officers both within the Planning Policy Team, with support from officers in the Development Management Teams have:
- Input 963 responses from consultees who emailed or sent their response by post into the consultation system to allow for analysis of all responses submitted.
 - Organised and published all comments submitted in response to the consultation on a question-by-question basis. This includes comments that were made in relation to Local Plan policies and sites.
 - Redacted personal information from all PDFs that were submitted to support consultation responses and / or the promotion of sites, so that these can be made publicly available.
 - Considered and analyse responses to all questions relating to the various Local Plan chapters / policies and consider work required to progress the Plan and policies for the Regulation 19 Local Plan.
 - Reviewed all consultation submissions relating to draft site allocations.
- 8.3 Consultation responses and analysis of these responses as well as links to supporting information submitted have been published on the Council's website at www.tmbc.gov.uk/local-plan-responses.

9 Local Plan and Draft Active Travel Strategy consultation questions and analysis

- 9.1 The consultation set 113 questions in total as identified below:
- Vision and objectives – Questions 1 – 3
 - Spatial Strategy – Questions 4 – 14
 - Climate change – Questions 15 – 25
 - Natural Environment - Questions 26 – 43
 - Historic Environment - Questions 44 – 51
 - Design – Questions 52 – 55

- Housing – Questions 56 – 68
- Development in rural areas – Questions 69 – 80
- Economic growth and development – Questions 81 – 90
- Infrastructure – Questions 91 – 98
- Policy A1: Housing and Employment Allocations - Question 99
- Development allocations map – Questions 100, 111 - 112¹
- Evidence base Questions – Questions 113 – 114
- Sustainability Appraisal – Questions 115 – 116
- Draft Active Travel Strategy- Questions 117 - 123

9.2 The consultation was structured around gathering views on the draft vision and objectives, the draft spatial strategy, local plan policies and the proposed development sites. This was presented in a simple question format designed to capture sentiment and collect specific concerns or support on the relevant aspects of the Draft Regulation 18 Local Plan. The questions were designed to provide an opportunity for respondents to tell us what aspects of the plan were supported, what respondents objected to as well as provide information on suggestions where we can improve the Plan and / or its policies. The word limit for responses was not limited, and respondents could answer as many questions as they wished, or just those questions of individual interest. Supporting information could also be uploaded in relation to proposed allocations and the Sustainability Appraisal. Information uploaded by respondents generally included photographs of sites and issues, technical documentation, vision documents and reports or additional information relating to site constraints / objections.

9.3 Whilst we did receive a small number of complaints in relation to the useability consultation platform, the majority of people engaged with the system quite easily, and the level of issue raised is considered usual with a consultation exercise of this scale. This is evidenced by 71% of the responses received being via the consultation system. The majority of those who did not engage with the consultation platform were those who sent in repeat / standardised representations as per 6.3 above or those submissions of a technical nature, such as those from developers who wished to submit supporting information and other organisations.

¹ Please note that question numbering jumped from 100 to 111 and therefore questions 101 – 110 did not exist.

10 Local Plan consultation analysis

10.1 Analysis for each of the consultation questions has been published on our website (link above). The analysis has been carried out using a consistent, transparent and methodical approach across all questions. The following sections explain how we have presented the analysis.

Sentiment Question

10.2 For each consultation question the number of responses to the sentiment question have been broken down. This provides a clear overview of the level of engagement and the balance of opinion relevant to each question.

10.3 It is worth noting that not everyone answered the sentiment questions. Also, for responses received by email or post, where text was required to be added by officers into the consultation system, officers did not answer sentiment questions on behalf of respondents, unless the response related directly to a site allocation. This is because in most instances the response did not explicitly state whether a policy was supported or not. The sentiment question for site allocations was answered because it was not possible to input a response without answering this question, which related to the technicalities of the consultation system. Officers therefore answered the sentiment question in accordance with the nature of the response, which was mostly an objection to the site.

10.4 We have indicated for each question how many people did not answer the sentiment question compared to how many comments were received in relation to the question. There is sometimes a mismatch in the numbers that we report, because some respondents only answered the sentiment question only and did not make a comment and vice versa.

10.5 In addition to the above, the officer summaries indicate sentiment responses from on specific policies (as relevant) for Specific Consultees, District and Boroughs, Town and Parish Councils and other organisations. This is to demonstrate the level of support from those with a strategic or technical interest on specific elements / policies contained in the Regulation 18 Local Plan. We have also published at Annex 1 how specific consultees and other organisations responded to the sentiment questions.

Summary of issues raised

10.6 A summary of issues raised has been provided. This section has been drafted following a review of all comment received with the analysis then grouped into key themes, and in most cases presented separately for supportive, neutral, opposed responses, as well as for those responses submitted with no stated sentiment. This approach has ensured that different viewpoints have been captured accurately and proportionately.

- 10.7 Where coordinated or template representations were submitted, these are identified and reported separately. This has been done to maintain transparency while avoiding distortion of thematic conclusions.
- 10.8 Many respondents wished to comment on the overall housing requirement, which is dictated by Government. Given that this is not within the gift of TMBC, we did not include a specific question on this. However, where responses of this nature were received by email, these responses were generally inputted either in the vision and objectives section or within the spatial strategy section and reported accordingly.

Specific Consultation Bodies and other organisations

- 10.9 The response summaries have also provided a dedicated summary for Specific Consultation Bodies and other organisations. A list of the specific consultation bodies and other organisations is provided in Annex 1. The sub-section in the analysis summaries has been provided to reflect responses that are either strategic or technically important in relation to plan-making. Annex 2 provides a summary of how the Specific Consultation Bodies and other organisations responded to the sentiment questions.

Officer response

- 10.10 Each consultation question concludes with an officer response, which may provide clarification and explain the approach taken in the Regulation 18 Local Plan as necessary, set out where areas of concern can be addressed and / or propose amendments for the next stage of plan-making.

Analysis reporting generally

- 10.11 Overall, it is hoped that the analysis provides Members with a balanced, evidence-based picture of consultation feedback, which clearly distinguishes different respondent groups and demonstrates how the Local Plan can evolve to respond to issues raised as the Local Plan progresses to the next stage.

Draft site allocations - Further consultation analysis to be completed –

- 10.12 In the nine weeks that we have had since the consultation closed it has not been possible to complete the reporting on the responses that we received in relation to draft site allocations in time for HPSSC publication. However, this work will be near to completion shortly and will be shared with Members informally as soon as possible.
- 10.13 The consultation provided a map where people could drop a pin and comment on a draft allocation or allocations. In line with normal trends, a significant proportion of responses were received (2705) as part of the consultation relating to this aspect of the Regulation 18 Local Plan.

- 10.14 Most respondents felt negatively about the site that they commented upon. This has been noted, however, as part of plan making, we are required to address the Government's housing requirement and therefore we are not able to address the negative feelings that our communities may have in relation to delivering housing and employment growth.
- 10.15 Work is progressing on the Council's growth strategy for the next stage of the Local Plan and consultation responses will continue to be considered alongside this work to refine the growth strategy. A number of site promoters submitted information relating to site allocations and this information can be viewed via our website.
- 10.16 Whilst understanding objections and support to the draft allocations is important to progressing our Local Plan, it has been necessary to firstly focus on the main topic-based aspects of the Plan in order to progress the Local Plan at the pace that is required and to meet the LDS timetable. The focus of reporting to Members for this Committee is therefore on these key topic-based themes, with reporting on site allocation responses to follow very shortly. We will continue to work with Members as we progress the Plan towards its next Regulation 19 stage.

11 Next steps

- 11.1 The next stage in the preparation of the Local Plan will be to produce a Regulation 19 Draft Local Plan. The Local Development Scheme identifies this to be published and consulted upon in quarter 2 2026 / 2027, ahead of submission by the end of December 2026. The following sets out in general terms the Local Plan work programme leading up to the publication of the Regulation 19 Local Plan.
- a) Procure further evidence to support the Regulation 19 Local Plan, taking into account advice from the Planning Advisory Service. This will include updating housing, economy, infrastructure, flood risk, sites related evidence (Green Belt, landscape, heritage), density, urban capacity etc.
 - b) Review the Local Plan and its policies taking into account consultation comments, as identified in the analysis summaries and other relevant information and evidence. In addition, draft site allocation policies, where these are required for specific sites.
 - c) Consider the draft NPPF in view of the emerging Local Plan. Where it is prudent to do so, ensure that emerging policies are future-proofed as far as possible, whilst being mindful that this Plan will be assessed against the December 2024 NPPF.
 - d) Consider and update the Local Plan growth strategy, including working with developers, infrastructure providers and other stakeholders to understand / test the capacity and deliverability of sites. It is worth noting that additional

resource has been provided to the Planning Policy Team to progress work on strategic and other sites to support the plan-making process.

- e) Work with infrastructure providers to progress the Infrastructure Delivery Plan, taking into account emerging site allocations.
- f) Work with Local Authority and other partners to progress Duty To Cooperate matters including Statements of Common Ground (SoCG) and Memorandums of Understanding (MoUs), as relevant.
- g) Update relevant supporting documents and produce other topic papers such as that required for housing.
- h) Obtain relevant legal advice on plan-making as required, alongside facilitating a Planning Inspectorate Advisory visit.
- i) Undertake further engagement with Members, other organisations and other Council services as relevant.
- j) Update the Council's Statement of Community Involvement.

12 Local Plan Transport Evidence base

- 12.1 The Cabinet report of 29th October 2026, recognised Members significant concerns in respect of ensuring that infrastructure was developed to support both new and existing communities and in respect of traffic and highways modelling. A motion was proposed and supported to progress enhanced engagement with infrastructure providers and to ensure a robust transport evidence base for the Local Plan.
- 12.2 The transport evidence to date comprises a comprehensive suite of technical assessments which are designed to understand existing conditions, forecast future travel demand and evaluate transport impacts of potential growth scenarios associated with the emerging Local Plan for the Regulation 18 stage in plan-making. Work has also been undertaken to provide detailed assessments of 27 key junctions to identify potential improvement schemes that will be required to support proposed growth. In addition, the Council has also published a Draft Active Travel Strategy to set out opportunities to enable walking and cycling across the borough, to improve connectivity, reduce car dependency and guide investment in active and sustainable travel. Together, the work undertaken so far ensures the Local Plan at the Regulation 18 stage is supported and informed by robust analysis in relation to transport capacity and constraints, effects of development on the highway and public transport networks, likely mitigation and infrastructure requirements and opportunities to enhance sustainable travel. The evidence is both robust and proportionate for the Local Plan Regulation 18 stage.

- 12.3 The work undertaken so far also clearly sets out what further transport related work is required to inform and support the next stage in plan-making for the Regulation 19 Local Plan. This includes:
- 1) Further testing of a preferred growth scenario for Regulation 19, which will involve running a new model scenario that incorporates updated site selections, revised housing and employment trajectories, incorporating up-to-date information and consultation feedback for example from National Highways, Kent County Council and other stakeholders as relevant.
 - 2) More detailed junction design work and identifying whether any additional junctions will require mitigation as per the preferred growth scenario that will be tested. This will involve designing mitigation options, testing layouts, signalisation and capacity improvements. This will include liaison with National Highways and Kent County Council.
 - 3) Integrating the findings into the Infrastructure Delivery Plan, including aligning proposed allocations with required transport improvements and identifying delivery pathways (S106, external funding, phasing).
- 12.4 In addition to the above, the Council has recently procured a Bus Study. This study will examine the current local bus network operating across Tonbridge and Malling, to understand how the network and related infrastructure could be improved to support the proposed spatial strategy and developments in the Local Plan. The study is required to help demonstrate how mode shift from the private car could be achieved during the plan period, to help mitigate the trip impacts of growth. The study will feed into the overall transport evidence base.
- 12.5 In addition to the above, we have discussed with our consultants whether the evidence obtained thus far would justify more detailed modelling in certain locations, taking into account what is reasonable and proportionate to be progressed to support the Local Plan. Whilst we are unable to fully answer this question currently, on the basis that the Regulation 19 scenario testing will be required to inform this, it is likely that further detailed modelling (VISSIM / Microsimulation) could be justified based on the current evidence for two locations in the borough; Tonbridge area and M20 (Junction 6).
- 12.6 We have not yet received the costings for the transport work for Regulation 19. However, we have enquired about any additional costs associated with microsimulation. Costs to undertake microsimulation for the whole Tonbridge area is likely to be in the region of £45k and to develop a new model for the M20 (Junction 6) could be in the region of up to £80k. However, this could be lower dependent on whether an existing model can be updated. This is currently being investigated.
- 12.7 Where other highways modelling issues were identified as part of the evidence for Regulation 18, junction modelling will be undertaken as part of the existing work

programme with the Council's Highways consultants and in collaboration with National Highways and Kent County Council, as well as other stakeholders as relevant. Work relating to specific sites will be considered with site promoters. It will be necessary for site promoters to ensure that they have fully evidenced how highways impacts can be mitigated. Any work of this nature will be reviewed by the Local Plan team and the Council's Highways consultants.

13 Other Options

- 13.1 The Government has made it clear that local plans should be progressed as quickly as possible and submitted no later than 31st December 2026. The Government have made it clear that it is unacceptable for local authorities not to make a local plan and that if plans are not in place, the Government will intervene under new intervention powers to ensure housing delivery. Should the Council not succeed to submit a Local Plan by the end of December 2026 date, then plan-making will need to be undertaken under a new planning system and in accordance with a new NPPF, which is due to be published in July 2026.
- 13.2 Progressing a Local Plan under the new Planning system would result in starting the plan-making process from the beginning given that there are new requirements and processes under the new plan making system to follow. This would result in a delay to adopting a local plan and therefore a continued and real risk of speculative development, and for a much longer period of time. This risks the inability to plan strategically which particularly affects the delivery of and consideration of infrastructure on a strategic basis. It would also mean instability and uncertainty regarding future decisions about growth in the area given that future strategic plan-making will be undertaken across the sub-region when Local Government Reorganisation takes place. There is also a risk of Government intervention, as reported to this Committee previously. Given the above, it is therefore important to progress this Local Plan in accordance with the Local Plan timetable to ensure that communities and stakeholders have certainty and that priorities for our communities can be delivered and can continue to be delivered when Local Government Reorganisation takes place.

14 Financial and Value for Money Considerations

- 14.1 Local Plan costs were estimated and reported to HPSSC on 12th February 2025 and a budget of £105,791 for 2026/27 for transport modelling was estimated. Given the work required alongside the costs of the Bus Study at approximately £32K, additional funding will be required should microsimulation be required to support the Regulation 19 Local Plan.
- 14.2 There is a current underspend of approximately £56k, however, this underspend is accounted for to progress studies that did not occur in the 2025/26 financial year but will occur in 2026/27. For example, to progress the Strategic Flood Risk Assessment Level 2, a density study and work on Gypsy and Traveller sites.

- 14.3 Following the Regulation 18 consultation, we are now in a position to understand the further work required to progress the Local Plan. We will shortly be reviewing the budget for 2026/27 to understand the position against the estimated costs presented in February 2025. It is worth noting, that the additional transport work discussed in section 12 (Bus Study and Microsimulation) was not budgeted for in the February 2025 estimate as at this stage the requirement for this work was not known.
- 14.4 Should microsimulation modelling be progressed, then further funds may be required, over and above those estimated in February 2025 and subsequently agreed by Full Council as part of budget setting. The Local Plan budget is kept under review with the Finance team.

15 Risk Assessment

- 15.1 The Council provided an up-to-date risk assessment for the purposes of the previous HPSSC report (3rd February 2026). There have been no updates since this time. However, the below remains to be relevant.
- 15.2 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place. There is a requirement to meet current National Planning Policy in delivering a new Local Plan and this will be tested at examination. The Government have been clear that it is unacceptable for LPAs to not make a Local Plan and the intervention criteria has been updated. The Government are also clear that plans should continue to be progressed under the existing planning system without delay and have provided transitional arrangements to achieve this where all plans will need to be submitted no later than 31st December 2026.
- 15.3 The Risk assessment has been re-provided at Annex 3.

16 Legal Implications

- 16.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

17 Consultation and Communications

- 17.1 The Council adopted a Statement of Community Involvement (SCI) in September 2022, and a Local Plan Engagement Strategy was adopted by Cabinet in December 2024. These documents set out the consultation and communication arrangements that have been implemented in relation to the Regulation 18 Local Plan consultation. It has been advised for the Council's SCI to be updated ahead of the Regulation 19 consultation by the Planning Advisory Service.

18 Cross Cutting Issues

18.1 Climate Change and Biodiversity

18.1.1 Adaptation and resilience have been considered.

18.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report. The Local Plan itself once adopted will seek to address climate change mitigation and adaptation and will seek to reduce carbon emissions as relevant to new and existing development.

18.2 Equalities and Diversity

18.2.1 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. An Equalities Impact assessment was prepared alongside the Local Plan and this will be updated to inform the Regulation 19 Local Plan.

18.3 Data Protection

18.4 As part of the consultation data has been collected via our Common Place consultation system. The relevant privacy policy can be accessed here: <https://www.commonplace.is/privacy-policy> The Council has published a comments record, however this has been checked and meets GDPR requirements. In addition, personal data has also been redacted from other related consultation documents that were submitted. The Council's Privacy Policy can be accessed here: <https://www.tmbc.gov.uk/council/local-plan-privacy-notice>

Background Papers	<ul style="list-style-type: none"> • Statement of Community Involvement https://www.tmbc.gov.uk/downloads/download/470/statement-of-community-involvement • Local Plan Engagement Strategy https://democracy.tmbc.gov.uk/documents/s82843/Updated+Annex+1+-+TMBC+Local+Plan+Engagement+and+Consultation+Strategy.Final.pdf • Analysis summaries (presented on a chapter basis) and consultation responses / List of additional material submitted as part of the Regulation 18 consultation www.tmbc.gov.uk/local-plan-responses
Annexs	<p>Annex 1 – List of Specific Consultation Bodies and other organisations</p> <p>Annex 2 – Sentiment question responses from Specific Consultation Bodies and other organisations</p> <p>Annex 3 - Risk Assessment</p>

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Annex 1 Statutory Consultees and Specific Consultation Bodies

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (Regulation 2)

In these Regulations a “relevant authority” means:

- a) a local planning authority
- b) a county council
- c) a parish council
- d) a local policing body

Specific consultation bodies in the Regulations are as follows:

- a) Coal Authority
- b) Environment Agency
- c) Historic Buildings and Monuments Commission for England (known as English Heritage)
- d) Marine Management Organisation
- e) Natural England
- f) Network Rail Infrastructure Limited
- g) a strategic highways company (for the time being appointed under Part 1 of the Infrastructure Act 2015) any part of whose area is in or adjoins the area of the local planning authority. Where the Secretary of State is the highway authority for any highway in the area of the local planning authority, the Secretary of State for Transport
- h) a relevant authority any part of whose area is in or adjoins the local planning authority's area and a relevant authority any part of whose area is in or adjoins the local planning authority's area
- i) any person to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and who owns or controls electronic communications apparatus situated in any part of the local planning authority's area
- j) if it exercises functions in any part of the local planning authority's area:
 - an integrated care board
 - NHS England
 - a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
 - a person to whom a licence has been granted under section 7(2) of the Gas Act 1986
 - a sewerage undertaker
 - a water undertaker
- k) the Homes and Communities Agency (now Homes England)
- l) where the local planning authority are a London borough council, the Mayor of London;

Duty to co-operate

The duty to cooperate was introduced by the Localism Act 2011 and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. The duty to cooperate covers local planning authorities, county councils and the following bodies:

- a) Environment Agency
- b) Historic Buildings and Monuments Commission for England (known as English Heritage)
- c) Natural England
- d) Mayor of London
- e) Civil Aviation Authority
- f) Homes and Communities Agency (now Homes England)
- g) each integrated care board
- h) NHS England
- i) Office of Rail and Road
- j) Transport for London
- k) Each Integrated Transport Authority
- l) Each highway authority (including the Secretary of State, where the Secretary of State is the highways authority)
- m) Marine Management Organisation.

(2) The bodies prescribed for the purposes of section 33A (9) of the Act are:

- a) each local enterprise partnership; and
- b) each local nature partnership

Responses received from organisation bodies to the Regulation 18 Local Plan consultation:

Consultation Body	Response received	No response received
Civil Aviation Authority		
Coal Authority		
Environment Agency		
Highways Agency		
Historic England (English Heritage)		
Homes England		
NHS Kent & Medway		
Marine Management Organisation		

Mobile UK		
National Grid		
National Highways		
Natural England		
Network Rail		
NHS Property Services		
Police and Crime Commissioners		
South East Water		
Southern Water		
Southern Gas Networks		
UK Power Networks		
Other Local Authorities		
• Kent County Council		
• Gravesham		
• Maidstone		
• Medway		
• Sevenoaks		
• Tunbridge Wells		
Parish/Town Councils		
• Addington		
• Aylesford		
• Birling		
• Borough Green		
• Burham		
• Ditton		
• East Malling & Larkfield		
• East Peckham		
• Hadlow		

• Hildenborough		
• Ightham		
• Kings Hill		
• Leybourne		
• Mereworth		
• Offham		
• Platt		
• Plaxtol		
• Ryarsh		
• Shipbourne		
• Snodland		
• Stansted		
• Trottiscliffe		
• Waterringbury		
• West Malling		
• West Peckham		
• Wouldham		
• Wrotham		
General Consultation Bodies		
• High Weald National Landscape		
• Local Enterprise Partnership		
• Kent Downs National Landscape		
• Kent Nature Partnership		
• Kent Wildlife Trust		
• RSPB		
• Sport England		
• Woodland Trust		

Annex 2: Sentiment question responses from Specific Consultation Bodies and other organisations

This annex provides an overview of the above for those organisations who answered Local Plan consultation sentiment questions. Please note that if an organisation is not listed, then this means that sentiment questions were not answered by that organisation. The main reason for this is that some organisations submitted their comments electronically (by email) and in these responses an answer to the sentiment question was not provided.

Specific Consultation Bodies

Historic England

- 1 - Do you agree with the Local Plan overall vision? – Agree (plus comment)
- 2 - Do you agree with the Local Plan objectives? – Agree (plus comment)
- 44 - Do you agree with Policy HE1: The Historic Environment? – Strongly Agree (plus comment)
- 45 - Do you agree with Policy HE2: Listed Buildings? – Agree (no comments)
- 46 - Do you agree with Policy HE3: Conservation Areas? - Agree (no comments)
- 47 - Do you agree with Policy HE4: Historic Parks and gardens? - Agree (no comments)
- 48 - Do you agree with Policy HE5: Archaeology? - Agree (no comments)
- 49 - Do you agree with Policy HE6: Enabling Development for Heritage Assets? - Agree (no comments)
- 99 - Do you agree with Policy A1: Housing and Employment Allocations? – Agree (with comments)

Network Rail

- 92 - Do you agree with Policy INF2: Sustainable Transport and Active Travel? – Strongly Agree (with further comments)

NHS Kent & Medway

- 4 - Do you agree with Policy SP1 Spatial Strategy? – Agree (with comments)
- 15 - Do you agree with Policy CC1: Addressing Climate Change? – Strongly Agree (with comments)
- 16 - Do you agree with Policy CC2: Circular Economy and its approach to reducing waste and reusing resources? – Strongly Agree (with comments)
- 17 - Do you agree with Policy CC3: Sustainable Design and Construction – Strongly Agree (with comments)
- 18 - Do you agree with Policy CC4: Energy and Heating? – Strongly Agree (with comments)
- 19 - Do you agree with Policy CC5: Renewable and Low Carbon and Heat Projects? - Strongly Agree (with comments)
- 20 - Do you agree with Policy CC6: Water Efficiency? – Agree (with comments)
- 99 - Do you agree with Policy A1: Housing and Employment Allocations? – Agree (no comments)

Parish Councils

Aylesford Parish Council

- 1 - Do you agree with the Local Plan overall vision? – Neutral (with comments)
- 2 - Do you agree with the Local Plan objectives? - Agree (no comments)
- 4 - Do you agree with Policy SP1 Spatial Strategy? – Disagree (with comments)
- 5 - Do you agree with the spatial distribution for future growth in the borough provided at table 5.2? - Disagree (with comments)
- 6 - Do you agree with the settlement hierarchy in table 5.6? - Disagree (with comments)
- 7 - Do you agree with Policy SP3: Settlement hierarchy and general development principles? - Disagree (with comments)
- 9 - Do you agree with Policy SP5: Future Employment Growth? – Neutral (with comments)
- 10 - Do you agree with Policy SP7: Green Belt? – Neutral (with comments)
- 11 - Do you agree with SP8 Managing Development in the Green Belt? – Neutral (with comments)
- 12 - Policy SP9 proposes a Local Green Gap near West Malling, Kings Hill and East Malling. Do you agree with the proposed boundary? – Agree (with comments)
- 15 - Do you agree with Policy CC1: Addressing Climate Change? – Agree (with comments)
- 16 - Do you agree with Policy CC2: Circular Economy and its approach to reducing waste and reusing resources? – Agree (with comments)
- 17 - Do you agree with Policy CC3: Sustainable Design and Construction? - Agree (with comments)
- 18 - Do you agree with Policy CC4: Energy and Heating? - Agree (with comments)
- 19 - Do you agree with Policy CC5: Renewable and Low Carbon and Heat Projects? - Agree (with comments)
- 20 - Do you agree with Policy CC6: Water Efficiency? - Agree (with comments)
- 21 - Do you agree with Policy CC7: Managing Development Within Flood Risk Areas? - Agree (with comments)
- 22 - Do you agree with Policy CC8: Sustainable Drainage Systems (SuDS)? - Agree (with comments)
- 26 - Do you agree with Policy NE1: Conserving and enhancing the natural environment? – Agree (with comments)
- 27 - Do you agree with Policy NE2: National Landscapes? - Agree (with comments)
- 28 - Do you agree with Policy NE3: Landscape Character? - Agree (with comments)
- 29 - Do you agree with Policy NE4: Designated sites, irreplaceable habitat and priority habitat and species? – Agree (with comments)
- 30 - Do you agree with Policy NE5: Biodiversity Net Gain? - Agree (with comments)
- 32 - Do you agree with Policy NE6: Green and Blue Infrastructure? - Agree (with comments)
- 33 - Do you agree with Policy NE7: Woodland, trees and hedgerows? – Agree (no comments)
- 37 - Do you agree with Policy NE8: Best and most versatile agricultural land? - – Agree (no comments)
- 38 - Do you agree with Policy NE9 Noise, vibration and odour Pollution. – Agree (no comments)
- 39 - Do you agree with Policy NE10 Air quality? — Agree (no comments)
- 40 - Do you agree with Policy NE11: Ground Contamination? – Agree (no comments)

- 41 - Do you agree with Policy NE12: Light Pollution? – Agree (no comments)
- 44 - Do you agree with Policy HE1: The Historic Environment? – Agree (with comments)
- 45 - Do you agree with Policy HE2: Listed Buildings? – Agree (with comments)
- 46 - Do you agree with Policy HE3: Conservation Areas? – Agree (with comments)
- 47 - Do you agree with Policy HE4: Historic Parks and gardens? – Agree (with comments)
- 48 - Do you agree with Policy HE5: Archaeology? – Agree (with comments)
- 49 - Do you agree with Policy HE6: Enabling Development for Heritage Assets? – Agree (with comments)
- 52 - Do you agree with Policy D1: Achieving High Quality Design? – Agree (with comments)
- 53 - Do you agree with Policy D2: Design Codes and Masterplans? – Agree (with comments)
- 55 - Overall, how Agree are you with the Design policies? – – 4 (no comments)
- 56 - Do you agree with Policy H1: Housing to Address Needs? – Neutral (no comments)
- 57 - Do you agree with Policy H2: Affordable Housing? – Agree (no comments)
- 59 - Do you agree with Policy H3: Build to Rent? – Agree (no comments)
- 60 - Do you agree with Policy H4: Gypsy Traveller and Travelling Showpeople – Safeguarding Sites? - Agree (with comments)
- 61 - Do you agree with Policy H5: Gypsy, Traveller and Travelling Showpeople – Site Criteria? – Agree (with comments)
- 62 - Do you agree with Policy H6: Specialist Housing to Meet the Needs of Older and Vulnerable People? - Agree (no comments)
- 63 - Do you agree with Policy H7: Accessible and Adaptable Homes? – Agree (no comments)
- 64 - Do you agree with Policy H8: Self and Custom Build Homes? – Agree (no comments)
- 65 - Do you agree with Policy H9: Houses in Multiple Occupation? – Agree (no comments)
- 66 - Do you agree with Policy H10: Residential Extensions, Alterations, Annexes and Ancillary Accommodation? - Agree (no comments)
- 81 - Do you agree with Policy E1: Supporting a Prosperous, Inclusive and 2.Sustainable Economic Future? – Agree (no comments)
- 82 - Do you agree with Policy E2: Strategic Employment Areas? – Agree (no comments)
- 83 - Do you agree with Policy E3: Other Employment Sites, Premises and Floorspace? - Agree (with comments)
- 84 - Do you agree with Policy E4: Employment and Skills? - Agree (no comments)
- 85 - Do you agree with Policy E5: Supporting the Vitality of Town, Service and Local Centres? – Agree (no comments)
- 86 - Do you agree with Policy E6: Primary Shopping Areas? – Agree (no comments)
- 87 - Do you agree with Policy E7: Above Ground Floorspace? – Agree (no comments)
- 88 - Do you agree with Policy E8: Sequential and Local Impact Tests? – Agree (no comments)
- 69 - Do you agree with Policy R1: Rural Exception Sites? - Agree (no comments)
- 70 - Do you agree with Policy R2: Housing For Rural Workers? - Agree (with comments)

- 71 - Do you agree with Policy R3: Replacement Dwellings Outside Settlement Confines? - Agree (no comments)
- 72 - Do you agree with Policy R4: Conversion of an Existing Building to Residential Use Outside Settlement Confines? – Agree (no comments)
- 73 - Do you agree with Policy R5: Residential Parks? – Agree (no comments)
- 74 - Do you agree with Policy R6: Employment Development Outside Existing Settlement Confines? – Agree (no comments)
- 75 - Do you agree with Policy R7: Agriculture, Forestry and Horticulture? – Agree (no comments)
- 76 - Do you agree with Policy R8: Farm Diversification? - Agree (no comments)
- 77 - Do you agree with Policy R9: Sustainable Tourism and Visitor Accommodation? - Agree (no comments)
- 78 - Do you agree with Policy R10: Equestrian Facilities in the Countryside? – Agree (no comments)
- 91 - Do you agree with Policy INF1: Provision of Infrastructure and Services? – Neutral (with comments)
- 92 - Do you agree with Policy INF2: Sustainable Transport and Active Travel? – Disagree (with comments)
- 93 - Do you agree with Policy H2: Affordable Housing? - {690476b4bce7f97ee941a063} – Neutral (with comments)
- 94 - Do you agree with Policy INF3: Parking? – Agree (with comments)
- 95 - Do you agree with Policy INF4: Community Facilities? - Agree (with comments)
- 96 - Do you agree with Policy INF5: Outdoor and Indoor Sports, Recreation and Open Space Provision? – Agree (with comments)
- 99 - Do you agree with Policy A1: Housing and Employment Allocations? – Neutral (with comments)
- 117 - What do you think of our Active Travel Strategy? - Neutral (with comments)

Burham Parish Council

- 4 - Do you agree with Policy SP1 Spatial Strategy? – Agree (regarding SP1)
- 5 - Do you agree with the spatial distribution for future growth in the borough provided at table 5.2? - Agree (with comments)
- 7 - Do you agree with Policy SP3: Settlement hierarchy and general development principles? – Strongly Agree (with comments)
- 9 - Do you agree with Policy SP5: Future Employment Growth? – Neutral (no comments)
- 10 - Do you agree with Policy SP7: Green Belt? – Strongly Agree (with comments)
- 11 - Do you agree with SP8 Managing Development in the Green Belt? – Agree (with comments)
- 12 - Policy SP9 proposes a Local Green Gap near West Malling, Kings Hill and East Malling. Do you agree with the proposed boundary? – Disagree (with comments)
- 91 - Do you agree with Policy INF1: Provision of Infrastructure and Services? – Strongly Disagree (with comments)
- 92 - Do you agree with Policy INF2: Sustainable Transport and Active Travel? – Strongly Disagree (with comments)
- 94 - Do you agree with Policy INF3: Parking? - Strongly Disagree (with comments)
- 95 - Do you agree with Policy INF4: Community Facilities? – Agree (with comments)
- 96 - Do you agree with Policy INF5: Outdoor and Indoor Sports, Recreation and Open Space Provision? – Agree (with comments)

East Malling and Larkfield Parish Council

- 12 - Policy SP9 proposes a Local Green Gap near West Malling, Kings Hill and East Malling. Do you agree with the proposed boundary? – Strongly Agree (with comments)
- 96 - Do you agree with Policy INF5: Outdoor and Indoor Sports, Recreation and Open Space Provision? – Agree (with comments)

East Peckham Parish Council

- 1 - Do you agree with the Local Plan overall vision? – Strongly disagree
- 2 - Do you agree with the Local Plan objectives? - Strongly Disagree
- 4 - Do you agree with Policy SP1 Spatial Strategy? – Strongly Disagree
- 5 - Do you agree with the spatial distribution for future growth in the borough provided at table 5.2? - Strongly Disagree
- 6 - Do you agree with the settlement hierarchy in table 5.6? – Strongly Disagree
- 7 - Do you agree with Policy SP3: Settlement hierarchy and general development principles? – Strongly Disagree
- 10 - Do you agree with Policy SP7: Green Belt? – Strongly Disagree
- 11 - Do you agree with SP8 Managing Development in the Green Belt? – Strongly Disagree
- 12 - Policy SP9 proposes a Local Green Gap near West Malling, Kings Hill and East Malling. Do you agree with the proposed boundary? – Strongly Disagree
- 46 - Do you agree with Policy HE3: Conservation Areas? – Strongly Disagree
- 52 - Do you agree with Policy D1: Achieving High Quality Design? – Strongly Disagree
- 53 - Do you agree with Policy D2: Design Codes and Masterplans? - Strongly Disagree

Mereworth Parish Council

- 1 - Do you agree with the Local Plan overall vision? – Strongly Agree
- 2 - Do you agree with the Local Plan objectives? - Strongly Agree (no comments)

Offham Parish Council

- 1 - Do you agree with the Local Plan overall vision? – Neutral
- 2 - Do you agree with the Local Plan objectives? - Neutral (no comments)

Stansted Parish Council

- 44 - Do you agree with Policy HE1: The Historic Environment? – Strongly Disagree
- 52 - Do you agree with Policy D1: Achieving High Quality Design? – Strongly Agree (no comments)
- 53 - Do you agree with Policy D2: Design Codes and Masterplans? – Neutral
- 69 - Do you agree with Policy R1: Rural Exception Sites? – Strongly Agree (no comments)
- 70 - Do you agree with Policy R2: Housing For Rural Workers? – Strongly Agree (no comments)
- 71 - Do you agree with Policy R3: Replacement Dwellings Outside Settlement Confines? - Strongly Agree (no comments)
- 72 - Do you agree with Policy R4: Conversion of an Existing Building to Residential Use Outside Settlement Confines? – Strongly Agree (no comments)
- 73 - Do you agree with Policy R5: Residential Parks? - Strongly Disagree

West Malling Parish Council

- 1 - Do you agree with the Local Plan overall vision? – Agree
- 2 - Do you agree with the Local Plan objectives? - Agree
- 4 - Do you agree with Policy SP1 Spatial Strategy? – Neutral
- 5 - Do you agree with the spatial distribution for future growth in the borough provided at table 5.2? - Neutral
- 6 - Do you agree with the settlement hierarchy in table 5.6? – Agree
- 7 - Do you agree with Policy SP3: Settlement hierarchy and general development principles? – Agree
- 9 - Do you agree with Policy SP5: Future Employment Growth? – Agree
- 10 - Do you agree with Policy SP7: Green Belt? – Neutral
- 11 - Do you agree with SP8 Managing Development in the Green Belt? – Disagree
- 12 - Policy SP9 proposes a Local Green Gap near West Malling, Kings Hill and East Malling. Do you agree with the proposed boundary? – Disagree
- 15 - Do you agree with Policy CC1: Addressing Climate Change? – Strongly Agree
- 16 - Do you agree with Policy CC2: Circular Economy and its approach to reducing waste and reusing resources? – Agree
- 17 - Do you agree with Policy CC3: Sustainable Design and Construction – Agree
- 18 - Do you agree with Policy CC4: Energy and Heating? – Agree
- 19 - Do you agree with Policy CC5: Renewable and Low Carbon and Heat Projects? - Strongly Agree
- 20 - Do you agree with Policy CC6: Water Efficiency? – Agree
- 21 - Do you agree with Policy CC7: Managing Development Within Flood Risk Areas? - Neutral
- 22 - Do you agree with Policy CC8: Sustainable Drainage Systems (SuDS)? - Agree
- 26 - Do you agree with Policy NE1: Conserving and enhancing the natural environment? – Agree
- 27 - Do you agree with Policy NE2: National Landscapes? – Agree
- 28 - Do you agree with Policy NE3: Landscape Character? – Agree
- 29 - Do you agree with Policy NE4: Designated sites, irreplaceable habitat and priority habitat and species? – Agree
- 30 - Do you agree with Policy NE5: Biodiversity Net Gain? – Agree
- 32 - Do you agree with Policy NE6: Green and Blue Infrastructure? - Agree (no comments)
- 33 - Do you agree with Policy NE7: Woodland, trees and hedgerows? – Agree
- 37 - Do you agree with Policy NE8: Best and most versatile agricultural land? - Agree
- 38 - Do you agree with Policy NE9 Noise, vibration and odour Pollution. – Agree
- 39 - Do you agree with Policy NE10 Air quality? – Agree
- 44 - Do you agree with Policy HE1: The Historic Environment? – Agree
- 45 - Do you agree with Policy HE2: Listed Buildings? – Agree
- 46 - Do you agree with Policy HE3: Conservation Areas? – Agree
- 47 - Do you agree with Policy HE4: Historic Parks and gardens? – Agree
- 48 - Do you agree with Policy HE5: Archaeology? – Agree
- 49 - Do you agree with Policy HE6: Enabling Development for Heritage Assets? – Neutral
- 52 - Do you agree with Policy D1: Achieving High Quality Design? – Agree
- 53 - Do you agree with Policy D2: Design Codes and Masterplans? – Agree
- 56 - Do you agree with Policy H1: Housing to Address Needs? – Agree
- 57 - Do you agree with Policy H2: Affordable Housing? – Agree

- 59 - Do you agree with Policy H3: Build to Rent? – Agree
- 60 - Do you agree with Policy H4: Gypsy Traveller and Travelling Showpeople – Safeguarding Sites? – Agree
- 61 - Do you agree with Policy H5: Gypsy, Traveller and Travelling Showpeople – Site Criteria? – Agree
- 62 - Do you agree with Policy H6: Specialist Housing to Meet the Needs of Older and Vulnerable People? – Agree
- 64 - Do you agree with Policy H8: Self and Custom Build Homes? – Agree
- 65 - Do you agree with Policy H9: Houses in Multiple Occupation? – Agree
- 81 - Do you agree with Policy E1: Supporting a Prosperous, Inclusive and 2. Sustainable Economic Future? – Agree
- 82 - Do you agree with Policy E2: Strategic Employment Areas? – Neutral
- 83 - Do you agree with Policy E3: Other Employment Sites, Premises and Floorspace? – Strongly Agree
- 84 - Do you agree with Policy E4: Employment and Skills? - Strongly Agree
- 85 - Do you agree with Policy E5: Supporting the Vitality of Town, Service and Local Centres? – Strongly Agree
- 87 - Do you agree with Policy E7: Above Ground Floorspace? – Neutral
- 88 - Do you agree with Policy E8: Sequential and Local Impact Tests? – Strongly Agree
- 69 - Do you agree with Policy R1: Rural Exception Sites? – Agree
- 70 - Do you agree with Policy R2: Housing For Rural Workers? – Neutral
- 71 - Do you agree with Policy R3: Replacement Dwellings Outside Settlement Confines? - Strongly Agree
- 72 - Do you agree with Policy R4: Conversion of an Existing Building to Residential Use Outside Settlement Confines? – Strongly Agree
- 73 - Do you agree with Policy R5: Residential Parks? – Strongly Agree
- 74 - Do you agree with Policy R6: Employment Development Outside Existing Settlement Confines? – Agree
- 75 - Do you agree with Policy R7: Agriculture, Forestry and Horticulture? – Strongly Agree
- 76 - Do you agree with Policy R8: Farm Diversification? - Strongly Agree
- 77 - Do you agree with Policy R9: Sustainable Tourism and Visitor Accommodation? - Strongly Agree
- 78 - Do you agree with Policy R10: Equestrian Facilities in the Countryside? – Strongly Agree
- 91 - Do you agree with Policy INF1: Provision of Infrastructure and Services? – Agree
- 92 - Do you agree with Policy INF2: Sustainable Transport and Active Travel? – Agree
- 93 - Do you agree with Policy H2: Affordable Housing? – Neutral
- 94 - Do you agree with Policy INF3: Parking? – Agree
- 95 - Do you agree with Policy INF4: Community Facilities? – Agree
- 96 - Do you agree with Policy INF5: Outdoor and Indoor Sports, Recreation and Open Space Provision? – Agree

Other Local Authorities

Maidstone Borough Council

- 1 - Do you agree with the Local Plan overall vision? – Neutral (no comments)
- 2 - Do you agree with the Local Plan objectives? - Neutral

- 4 - Do you agree with Policy SP1 Spatial Strategy? – Neutral (no comments)
- 5 - Do you agree with the spatial distribution for future growth in the borough provided at table 5.2? - Disagree
- 6 - Do you agree with the settlement hierarchy in table 5.6? – Neutral (no comments)
- 7 - Do you agree with Policy SP3: Settlement hierarchy and general development principles? – Neutral
- 9 - Do you agree with Policy SP5: Future Employment Growth? – Agree
- 10 - Do you agree with Policy SP7: Green Belt? – Neutral
- 12 - Policy SP9 proposes a Local Green Gap near West Malling, Kings Hill and East Malling. Do you agree with the proposed boundary? – Neutral
- 15 - Do you agree with Policy CC1: Addressing Climate Change? – Neutral (no comments)
- 16 - Do you agree with Policy CC2: Circular Economy and its approach to reducing waste and reusing resources? – Neutral (no comments)
- 17 - Do you agree with Policy CC3: Sustainable Design and Construction – Neutral
- 18 - Do you agree with Policy CC4: Energy and Heating? – Neutral (no comments)
- 19 - Do you agree with Policy CC5: Renewable and Low Carbon and Heat Projects? - Neutral (no comments)
- 20 - Do you agree with Policy CC6: Water Efficiency? – Neutral (no comments)
- 21 - Do you agree with Policy CC7: Managing Development Within Flood Risk Areas? - Neutral (no comments)
- 22 - Do you agree with Policy CC8: Sustainable Drainage Systems (SuDS)? - Neutral (no comments)
- 26 - Do you agree with Policy NE1: Conserving and enhancing the natural environment? – Disagree
- 27 - Do you agree with Policy NE2: National Landscapes? – Neutral (no comments)
- 28 - Do you agree with Policy NE3: Landscape Character? – Neutral (no comments)
- 29 - Do you agree with Policy NE4: Designated sites, irreplaceable habitat and priority habitat and species? – Neutral (no comments)
- 30 - Do you agree with Policy NE5: Biodiversity Net Gain? – Disagree
- 32 - Do you agree with Policy NE6: Green and Blue Infrastructure? – Neutral (no comments)
- 33 - Do you agree with Policy NE7: Woodland, trees and hedgerows? – Neutral (no comments)
- 37 - Do you agree with Policy NE8: Best and most versatile agricultural land? - Neutral (no comments)
- 39 - Do you agree with Policy NE10 Air quality? – Neutral (no comments)
- 41 - Do you agree with Policy NE12: Light Pollution? – Neutral (no comments)
- 44 - Do you agree with Policy HE1: The Historic Environment? – Neutral (no comments)
- 45 - Do you agree with Policy HE2: Listed Buildings? – Neutral (no comments)
- 46 - Do you agree with Policy HE3: Conservation Areas? – Disagree
- 47 - Do you agree with Policy HE4: Historic Parks and gardens? – Neutral (no comments)
- 48 - Do you agree with Policy HE5: Archaeology? – Neutral (no comments)
- 49 - Do you agree with Policy HE6: Enabling Development for Heritage Assets? – Neutral (no comments)
- 52 - Do you agree with Policy D1: Achieving High Quality Design? – Neutral (no comments)
- 53 - Do you agree with Policy D2: Design Codes and Masterplans? – Neutral (no comments)

- 56 - Do you agree with Policy H1: Housing to Address Needs? – Neutral (no comments)
- 57 - Do you agree with Policy H2: Affordable Housing? – Neutral
- 59 - Do you agree with Policy H3: Build to Rent? – Agree (no comments)
- 66 - Do you agree with Policy H10: Residential Extensions, Alterations, Annexes and Ancillary Accommodation? - Agree (no comments)
- 69 - Do you agree with Policy R1: Rural Exception Sites? – Neutral (no comments)
- 70 - Do you agree with Policy R2: Housing For Rural Workers? – Neutral (no comments)
- 71 - Do you agree with Policy R3: Replacement Dwellings Outside Settlement Confines? - Neutral (no comments)
- 72 - Do you agree with Policy R4: Conversion of an Existing Building to Residential Use Outside Settlement Confines? – Neutral (no comments)
- 73 - Do you agree with Policy R5: Residential Parks? – Neutral (no comments)
- 74 - Do you agree with Policy R6: Employment Development Outside Existing Settlement Confines? – Neutral (no comments)
- 75 - Do you agree with Policy R7: Agriculture, Forestry and Horticulture? – Neutral
- 76 - Do you agree with Policy R8: Farm Diversification? - Neutral (no comments)
- 77 - Do you agree with Policy R9: Sustainable Tourism and Visitor Accommodation? - Neutral (no comments)
- 78 - Do you agree with Policy R10: Equestrian Facilities in the Countryside? – Neutral (no comments)
- 91 - Do you agree with Policy INF1: Provision of Infrastructure and Services? – Disagree
- 92 - Do you agree with Policy INF2: Sustainable Transport and Active Travel? – Disagree
- 94 - Do you agree with Policy INF3: Parking? – Agree
- 95 - Do you agree with Policy INF4: Community Facilities? – Agree (no comments)
- 99 - Do you agree with Policy A1: Housing and Employment Allocations? – Disagree

Tunbridge Wells Borough Council

- 1 - Do you agree with the Local Plan overall vision? – Agree
- 4 - Do you agree with Policy SP1 Spatial Strategy? – Neutral
- 9 - Do you agree with Policy SP5: Future Employment Growth? – Agree
- 12 - Policy SP9 proposes a Local Green Gap near West Malling, Kings Hill and East Malling. Do you agree with the proposed boundary? – Agree
- 15 - Do you agree with Policy CC1: Addressing Climate Change? – Agree
- 16 - Do you agree with Policy CC2: Circular Economy and its approach to reducing waste and reusing resources? – Agree
- 26 - Do you agree with Policy NE1: Conserving and enhancing the natural environment? – Agree
- 27 - Do you agree with Policy NE2: National Landscapes? – Agree
- 28 - Do you agree with Policy NE3: Landscape Character? – Agree
- 44 - Do you agree with Policy HE1: The Historic Environment? – Agree
- 52 - Do you agree with Policy D1: Achieving High Quality Design? – Agree
- 56 - Do you agree with Policy H1: Housing to Address Needs? – Agree
- 57 - Do you agree with Policy H2: Affordable Housing? – Agree
- 60 - Do you agree with Policy H4: Gypsy Traveller and Travelling Showpeople – Safeguarding Sites? – Agree
- 62 - Do you agree with Policy H6: Specialist Housing to Meet the Needs of Older and Vulnerable People? – Agree

- 81 - Do you agree with Policy E1: Supporting a Prosperous, Inclusive and 2. Sustainable Economic Future? – Agree
- 82 - Do you agree with Policy E2: Strategic Employment Areas? – Agree
- 91 - Do you agree with Policy INF1: Provision of Infrastructure and Services? – Neutral
- 92 - Do you agree with Policy INF2: Sustainable Transport and Active Travel? – Neutral

Other Consultation Bodies

Sport England

- 52 - Do you agree with Policy D1: Achieving High Quality Design? – Strongly Agree (no comments)
- 91 - Do you agree with Policy INF1: Provision of Infrastructure and Services? – Agree (no comments)
- 92 - Do you agree with Policy INF2: Sustainable Transport and Active Travel? – Agree (no comments)
- 94 - Do you agree with Policy INF3: Parking? – Agree (no comments)
- 96 - Do you agree with Policy INF5: Outdoor and Indoor Sports, Recreation and Open Space Provision? – Strongly Agree
- 99 - Do you agree with Policy A1: Housing and Employment Allocations? – Neutral

RSPB

- 4 - Do you agree with Policy SP1 Spatial Strategy? – Disagree (with comments)
- 19 - Do you agree with Policy CC5: Renewable and Low Carbon and Heat Projects? – Neutral (with comments)
- 26 - Do you agree with Policy NE1: Conserving and enhancing the natural environment? – Satisfied (with comments)
- 29 - Do you agree with Policy NE4: Designated sites, irreplaceable habitat and priority habitat and species? – Agree
- 30 - Do you agree with Policy NE5: Biodiversity Net Gain? – Neutral
- 32 - Do you agree with Policy NE6: Green and Blue Infrastructure? – Neutral
- 41 - Do you agree with Policy NE12: Light Pollution? – Agree

Woodland Trust

- 15 - Do you agree with Policy CC1: Addressing Climate Change? – Agree
- 26 - Do you agree with Policy NE1: Conserving and enhancing the natural environment? – Strongly Agree
- 28 - Do you agree with Policy NE3: Landscape Character? – Strongly Agree
- 29 - Do you agree with Policy NE4: Designated sites, irreplaceable habitat and priority habitat and species? – Neutral
- 30 - Do you agree with Policy NE5: Biodiversity Net Gain? – Neutral
- 32 - Do you agree with Policy NE6: Green and Blue Infrastructure? – Agree
- 33 - Do you agree with Policy NE7: Woodland, trees and hedgerows? – Agree
- 99 - Do you agree with Policy A1: Housing and Employment Allocations? – Disagree

Annex 3 - Risk Register for Local Plan - Planning Policy January 2026

Number	Risk Title & Description	Effect of non compliance	Classification	Risk Owner from Management Team	Date identified	Last date of review	Unmitigated risk Score			Movement to previous review	Current mitigation in place	Mitigated risk Score			Movement to previous review	Actions required to reduce score further	Link to Annual Service Development Plan	Links to Strategies
							Likelihood Score (1-5)	Impact score (1-5)	Overall risk score			Likelihood Score (1-5)	Impact score (1-5)	Overall risk score				
1	Risk of Government intervention if a plan is not progressed	Loss of control over planning decisions; increased vulnerability to 'planning by appeal'; increase in funding required to defend appeals or to progress additional work associated with intervention measures; loss of strategic approach to infrastructure provision; reputational damage and reduced public confidence; difficulty influencing the spatial strategy and site allocations; diminished role in plan-making for elected members and communities.	F, R	Director of Planning, Housing and Environmental Health	22/01/26	N/A	5	5	25		Maintain and keep up to date the Local Development Scheme; progress evidence in a timely manner; ongoing engagement with members and communities; Develop a robust Infrastructure Delivery Plan; collaboration with the Planning Inspectorate with advisory visit; maintaining a clear audit trail in decision making; continued work with the Planning Advisory Service; obtaining legal advice as required.	2	5	10		Strengthen Member training in key areas; strengthen collaboration with MHCLG; ensure political consistency and corporate ownership of the Local Plan.	5.1 and 10.1	Corporate Strategy
2	Not meeting the Government's submission deadline of 31 st December 2026 under the transitional arrangements.	Forced switch to plan-making under a new planning system; requirement to either set aside previous Local Plan work or substantially re-work; any emerging Local Plan would carry no weight increasing exposure to speculative developments; increased risk of Government intervention; longer delay to having an adopted Local Plan; increased costs where work will require updating; reputational damage and reduced public confidence.	F, R	Director of Planning, Housing and Environmental Health	01/09/24	01/01/26	4	5	20		Maintain momentum on plan-making; meet critical path deadlines and all other deadlines as far as possible; address meeting development needs early in the plan-making process; communicate the work programme with communities, Members and stakeholders.	3	5	15		Enhance governance and Member training to avoid politically driven delays; prepare a Contingency Plan for plan-making under a new planning system, in case the deadline cannot be met.	5.1 and 10.1	Corporate Strategy
3	National policy reform	Forced to re-write or re-scope the emerging Local Plan to future proof the Plan; reduced weight for Local Policies once the Local Plan is adopted; a need to re-work some of the evidence base to future proof the plan where possible; delay to Local Plan timetable; Risk of delay to the Local Plan timetable; increased pressure on staff resources; budget implications if updated evidence or additional resources are required.	F	Director of Planning, Housing and Environmental Health	22/01/26	N/A	5	4	20		Early alignment with emerging national policy; strengthen the evidence base to future proof the Local Plan; adapt the spatial strategy to demonstrate consistency; expand policies to account for changes in climate change approach and environmental matters; set housing requirements above minimum requirement; engage with PAS and the Planning Inspectorate.	5	3	15		Undertake or procure a NPPF/NDMP compliance review.	5.1 and 10.1	Corporate Strategy
4	Change in political administration	Delay or revisiting key aspects of the local plan; heightened Member objection and political challenges; need to re-open or update evidence; shift in policy objectives; failure to meet 'transitional arrangements' as proposed by Government; failure to achieve an adopted plan under the current planning system and potential for Government intervention in plan-making.	F, R	Director of Planning, Housing and Environmental Health	01/09/24	Jan-26	3	5	15		Progress the Local Plan in line with the Engagement Strategy setting out how both internal and external engagement will be progressed; Continued working and discussions with members to gain understanding and awareness of the local plan, the process, the outputs of evidence and the direction of the spatial strategy and local plan policies; Regular member meetings and briefings; maintain an evidence based led approach; Communicate the consequences of not progressing a Local Plan; maintain consistent staffing to assist with member communications.	3	5	15		Strengthen cross-party ownership of the Local Plan; provide Member induction training; prepare scenario plans for political change; engage early with new administration; Work with Members to lock in political ownership early in the Regulation 19 stage making clear any risks; document decision-making; use external peers to reinforce stability; engage external technical peer review including legal or Planning Advisory Service to assist with key matters raised; external legal and other technical advice to be communicated to members.	5.1 and 10.1	Corporate Strategy

5	Community opposition leading to Member objections to the Local Plan	Local Plan delay; missing the Government's transitional deadlines; Government intervention in plan-making; Compromised spatial strategy and weakened policy position in emerging Local Plan; greater exposure to speculative development; increased costs, resource pressure and evidence needs; increased complaints, FOIs; reduced confidence from infrastructure providers and developers; increased risk of legal challenge; weakened case for infrastructure funding and reprioritising investment away from the Borough.	F, R	Director of Planning, Housing and Environmental Health	22/01/26	N/A	3	5	15	Early and transparent engagement with the community; engage in accordance with the Engagement strategy; strengthen member communication and governance via briefings; present a strong evidence- led narrative; demonstrate how the Local Plan responds to Local concerns; engage infrastructure providers early; clear and consistent political leadership; manage expectations around what can and cannot be changed or done; provide structured feedback to communities; pre-empt legal risks and maintain a clear audit trail of decisions and Local Plan activities; ensure statutory processes are met; Engage external support such as PAS, legal advice and the Planning Inspectorate; reinforce the consequences of not progressing a Local Plan.	3	5	15	N/A	5.1 and 10.1	Corporate Strategy
6	Not achieving political consensus on the Local Plan Spatial Strategy	Significant delays to plan progression due to a potential need to revisit spatial options including spatial option testing, protracted engagement with members causing staff capacity constraints; Not meeting the Government's Local Plan submission timeframe; Potential Government intervention in plan-making; Not achieving Regulation 19 consultation or submission due to Committee decision not to proceed; Weakened position and / or risk of unsoundness at Examination, if spatial strategy decisions are unclear; Reduced confidence from stakeholders and Infrastructure providers; Withdrawal of Local Plan during Examination.	F, R	Director of Planning, Housing and Environmental Health	22/01/26	N/A	4	5	20	Hold member briefings to explain evidence requirements and assumptions; engage external support such as PAS, legal advice and the Planning Inspectorate; reinforce the consequences of not progressing a Local Plan.	4	5	20	Strengthen member and stakeholder alignment as early as possible.	5.1 and 10.1	Corporate Strategy
7	Overall increase in costs required to progress a local plan and additional / sufficient budget not being available and / or agreed	Delay to the Local Plan work programme; inability to meet the Government's submission timeframe; inability to commission the evidence required; Local Plan soundness risk and greater risk of legal challenge; reduction in scope / the quality of the Local Plan; abandonment of the Local Plan; inability to provide the level of staff resource to deliver the Local Plan within the timeframe; inability to respond to evidence update requirements to account for Regulation 18 consultation responses or national policy changes.	F, R	Director of Planning, Housing and Environmental Health	03/11/24	Jan-26	4	5	20	Establish a robust and early budget strategy for the Local Plan programme to adoption including individual project contingency; ensure that evidence base requirements are proportionate; strong project and financial management; ensure ongoing monitoring of the budget and individual projects including value for money; early and on-going engagement with Management Team and finance.	3	5	15	Keep the budget position under regular review; Ensure flexibility within the budget to make best and most efficient use of funding across the work streams; identify the cost of not progressing a Local Plan; create a business case linked to statutory obligations for plan-making.	5.1 and 10.1	Corporate Strategy
8	Member requests for additional evidence not procedurally required to support the submission of a Local Plan or requests for additional peer review using different consultants	Requirement for additional funding; Potential delay to the Local Plan programme to procure and undertake the work; Increased pressure on consultants to progress work in a short period of time; increased pressure on staff to progress additional work streams; Potential to delay evidence gathering due to procurement or additional interdependencies of evidence or delay to the Local Plan due to reconciling evidence; increased examination scrutiny where disagreements or differences remain unresolved; increased risk of Local Plan challenge; derailment of the Local Plan should it not be possible to fund or obtain the requested evidence; possible Government intervention.	F, R	Director of Planning, Housing and Environmental Health	22/01/26	N/A	4	4	16	Critical friend review - Inspector Pre-submission advisory visit / PAS / Legal advice. Local Plan programme discipline to reduce political disruption to the programme; provide briefings to Members around outputs of programmed evidence base.	3	4	12	Introduce a Governance structure that defines who and what stage requests for new evidence can be made and how these are evaluated and approved; adopt a 'test for necessity and proportionality' before agreeing to extra evidence; provide member training on evidence requirements and soundness tests; agree scope of evidence with Members as early as possible.	5.1 and 10.1	Corporate Strategy

9	Slippage in the Local Plan Project management timetable, (as set out in the Council approved Local Development Scheme) for the Regulation 19 Local Plan consultation.	Failure to meet the Government's Local Plan submission deadline of 31 st December 2026 under the current planning system, leading to much abortive work and costs and a requirement to progress a Local Plan under a new planning system.	F, R	Director of Planning, Housing and Environmental Health	01/09/24	Jan-26	4	5	20	The provision of a detailed project plan setting out tasks and the timetable clearly; provision of sufficient and timely staff resources to deliver the project plan; ensure a budget to fund the resources required to deliver a Local Plan; Regular project management meetings between the PPM and HOS and the PPM and PPTL and Planning Policy Team; Ensure that staff have the right skills and experience to progress the workstreams; procure evidence base work at the earliest opportunity to ensure its availability to feed into the Regulation 19 Local Plan; manage political risks and highlight the consequences of additional work requests and the consequences this has on staff resources and potential delay and associated risks.	3	5	15	Given the tight timetable, ensure that the Planning Policy team are provided the space to progress the Local Plan work programme and are not distracted by non-Local Plan workstreams or additional work that is not directly required to progress the Local Plan.	5.1 and 10.1	Corporate Strategy
10	Delay to testing the spatial strategy Infrastructure, viability and development phasing	Delay to the overall Local Plan timetable; Not achieving the Government's timescale for submission; knock on impact to progressing other statutory required evidence such as the Sustainability Appraisal and Habitats Regulations Assessment; risk of not applying an evidence base-led approach to defining the spatial strategy with an increased examination risk of being found unsound; risk of viability and deliverability disputes later in the process and at Examination; risk of selecting undeliverable sites; housing trajectory and five-year supply becomes unreliable; vulnerability to requiring further work and additional sites during the Examination to make the Plan sound; Member decision not to Adopt the Local Plan; Local Plan abortive work and costs; risk of speculative development early in the plan period.	F, R	Director of Planning, Housing and Environmental Health	22/01/26	N/A	4	5	20	Commission infrastructure and viability evidence early and in parallel with Reg 19 option development; use iterative testing with scenarios; update the SA sequentially rather than at a late stage; early and structured engagement with infrastructure providers.	3	5	15	Identify where it is possible to progress testing sequentially if there is a likelihood of delay; agree key assumptions with infrastructure providers; ensure SA / HRA is integrated into the process and not bolted on.	5.1 and 10.1	Corporate Strategy
11	Failure to meet Statutory requirements in plan-making (Sustainability Appraisal, Habitats Regulations and Equality Impact Assessment) including insufficient data and evidence gaps	Legal challenge on adoption of the Local Plan; delay to plan-making and not meeting the Government's timeline; poor integration between assessments and the Local Plan; Delay in Examination.	F, R	Director of Planning, Housing and Environmental Health	01/09/24	Jan-26	4	5	20	Begin work on the Statutory evidence requirements early; Ensure strong and up-to-date baseline evidence; use clear methodologies and document reasonable alternatives clearly; embed the processes into Plan-making; maintain continuous engagement with statutory consultees and key stakeholders; ensure a clear audit trail and high quality documentation; ensure timescales are aligned in the Local Plan work programme; ensure adequate staff resource for project management.	3	5	15	Work with the Planning Advisory Service on how to navigate any issues; obtaining legal advice as required and advice from the Planning Inspectorate as required.	5.1 and 10.1	Corporate Strategy
12	Failure to obtain the required evidence on the required topic area to inform the Regulation 19 Local Plan.	Plan found unsound at Examination; legal challenge on adoption of the Plan; inability to publish a legally compliant Regulation 19 Plan; delays to Local Plan timetable; not meeting the Government's timeframe for submission; Members not agreeing to take forward the Local Plan to Regulation 19; Weak policy framework that is vulnerable to challenge; increased risk of unresolved objections at Regulation 19 and at examination; stakeholder objections and criticisms.	F, R	Director of Planning, Housing and Environmental Health	01/09/24	Jan-26	4	5	20	Identify all required evidence workstreams as early as possible; Frontload commissioning and gathering the additional evidence to support the Regulation 19 Local Plan; identify evidence dependencies in the work programme and the critical path; schedule early meetings with stakeholders and line up their required input at relevant key stages; draft clear specifications for work; avoid over scoping of the work and ensure proportionality; consider emerging national policy changes early to avoid repetitive work.	3	5	15	Continue to use PAS as a critical friend on evidence gathering and use advice once received particularly around proportionality.	5.1 and 10.1	Corporate Strategy

13	Restricted availability of consultants and / or capacity for consultants to complete the evidence base work required within the project timeline.	Delay to evidence base completion; Local Plan timetable slippage; not being able to procure good quality consultants; increased risk to soundness at examination due to poor or incomplete evidence; inability to progress to Regulation 19; heightened legal compliance risk; higher contract prices; greater officer time required to procure and manage contracts.	F, R	Director of Planning, Housing and Environmental Health	22/01/26	N/A	3	5	15	Consider and strengthen procurement strategy; procure at the earliest time possible; commission partial or interim outputs / phasing of the work; ensure that the scope of works is proportionate; maintain continual engagement with consultants.	2	5	10	Adjust the project plan and where possible build in contingency; provide internal capacity to progress workstreams through additional staff resources.	5.1 and 10.1	Corporate Strategy
14	Procurement / contract delay	Delay to the progression, publication and analysis of the evidence base; inability for policies to be underpinned by evidence; slippage in the Local Plan timetable including key milestones; increased risk of challenge at examination; procedural risk if evidence base not available for committee decision to progress the Regulation 19 consultation and submission; delays to progressing statements of common ground; increased pressure on resources and capacity; uncertainty in decision making.	F, R	Director of Planning, Housing and Environmental Health	22/01/26	N/A	5	5	25	Undertake a peer review by PAS on evidence base; identify early the procurement and contract needs; extend existing contracts where necessary; maintain a clear audit trail of where delays occur and address these for future contracts; re-sequence the Local Plan project programme to ensure critical path activities can be progressed; where feasible run assessments and Local Plan work streams in parallel; prioritise and provide work streams in key phases and request interim reports / partial outputs; use Framework contracts to accelerate commission times; provide clear scopes of work; build in contingency; early engagement with statutory bodies sharing work in draft.	3	5	15	Identify an additional resource to ensure that contracts can progress.	5.1 and 10.1	Corporate Strategy
15	Not meeting the minimum housing need requirement in the Local Plan or demonstrating sufficient land in the first five years.	Local Plan risk of failure at examination on the basis of the soundness tests; a requirement for the plan to be paused for additional evidence and / or major modifications to make the plan sound; Substantial re-working of the Local Plan; prolonged examination and therefore a later adoption of the Plan; greater scrutiny at examination; loss of weight of policies during the examination period; increased risk of speculative development; risk of legal challenge post-adoption; complete loss of work if Plan withdrawn or found unsound.	F, R	Director of Planning, Housing and Environmental Health	01/09/24	Jan-26	3	5	15	Frontload work on housing and employment evidence including the LAA and test supply assumptions; build a realistic and defensible housing trajectory; allocate a wider mix of sites; include a windfall allowance with sufficient justification; engage infrastructure providers to confirm that sites are genuinely deliverable; use Statements of Common Ground.	2	5	10	If it is not possible to meet housing need, seek to identify reserve sites; develop a clear strategy for addressing under-delivery.	5.1 and 10.1	Corporate Strategy
16	Duty To Cooperate (DTC)	DTC issues raised prior to Reg 19 or Local Plan submission; including matters such as unmet development needs and cumulative infrastructure issues; Not meeting the Local Plan timetable; Failure to demonstrate DTC at examination; not meeting the Government deadline for submission.	F, R	Director of Planning, Housing and Environmental Health	01/09/24	Jan-26	3	5	15	Early, regular and documented engagement and cooperation with partners; the production of effective Statements of Common Ground; commissioning joint evidence bases or sharing methodologies on strategic matters; establish political commitment where required and audit trails.	2	5	10	In the work undertaken ensure that engagement with DTC partners leads to effective, deliverable and strategic outcomes and engage external legal and / or technical advice from Barristers / PAS.	5.1 and 10.1	Corporate Strategy
17	Regulation 18 consultation responses identify a fundamental matter relating to evidence or strategy that cannot be addressed within the timescales to achieve Regulation 19	Delay to the Local Plan timetable due to a need to revisit evidence, revise the spatial strategy or re-consult if changes required are substantial; that the Local Plan cannot progress to Regulation 19 within the timeframe or at all; increased risk of the plan being found unsound if critical warning is not addressed; requirement for additional consultation at Regulation 18; reputational issues with communities, Members and stakeholders.	F, R	Director of Planning, Housing and Environmental Health	22/01/26	N/A	3	5	15	Frontload the evidence base work; adjust the project plan if possible; revisit and adapt the strategy; strengthen engagement and Duty to Cooperate; avoid premature progression to Regulation 19.	2	5	10	Commission an independent review of the Local Plan and matter raised.	5.1 and 10.1	Corporate Strategy

18	Loss of staff either through leaving the Council, sickness or unexpected absences	Delay to timetable, health and wellbeing implications for remaining staff members, failure to meet the Local Plan timetable and Government deadline for Local Plan submission.	F, R, H	Director of Planning, Housing and Environmental Health	01/09/24	Jan-26	3	3	9	Regular team meetings, 1:1s, effective file management and knowledge sharing, risk management escalation; utilising contractor staff. Smart recruitment policy and investigation of specialist support. Work with recruitment agencies to fill permanent positions and to cover staff absence.	3	2	6	Predict early where more staff resource may be required; Keep under review the staffing budget; keep up-to-date with the recruitment market offerings and make any offers early.	5.1 and 10.1	Corporate Strategy
19	No / limited internal expertise on matters relating to heritage	Delays to evidence gathering and site assessments including through requiring procurement lead in times; risk of incomplete or insufficient evidence at submission and / or at Examination; Increased risk of challenge at Examination on heritage matters; Local Plan found unsound at Examination; Bottleneck in site allocations workstream; dependency on external consultants increasing budget costs and requiring a staff resource to manage workstream; Not meeting Local Plan timetable.	F, R	Director of Planning, Housing and Environmental Health	01/09/24	Jan-26	5	5	25	Commission heritage specialists as early as possible; share services with Sevenoaks Borough Council where possible; develop clear scopes for external Heritage work; undertake early engagement with Historic England; integrate heritage work into site selection as early as practically possible.	2	3	6	Engage external legal and / or technical advice from Barristers / PAS.	5.1 and 10.1	Corporate Strategy
20	Capacity constraints within the Planning Policy Team and / or skills and experience shortage	Delays / slippage and slower progress for work streams; Missed project milestones; Not meeting the Local Plan timetable overall due to work stream interdependencies; Not meeting the Governments submission timeframe; dependency on external consultants and / or existing / temporary staff to plug skills gaps; weak or incomplete evidence base with gaps in technical and key evidence; risk of an unsound plan at examination; legal compliance risks for SA, HRA, Equalities Impact Assessment, statutory Regulation 19 consultation; reduced ability to engage and negotiate with key stakeholders; staff burnout and turnover.	F, R, H	Director of Planning, Housing and Environmental Health	22/01/26	N/A	5	5	25	Strengthen internal capacity by recruiting permanent planners; upskill staff; ensure that the work programme is detailed with clear responsibilities identified; hold regular 1:1s and team meetings; use external support either in relation to recruiting temporary planners or consultants to progress key workstreams; regular monitoring of workloads and priority setting; strengthen corporate and cross-departmental support; manage staff wellbeing and retention.	3	3	9	Secure additional financial funding; Plan for the worst-case scenario through contingency planning.	5.1 and 10.1	Corporate Strategy
21	Not meeting the Committee date to report the Regulation 18 consultation due to the level of responses to analyse	Strategic, procedural, political and resource implications including - delay to the Local Plan programme; not meeting the Government's timeline for submission; increased risk of Government intervention; knock on delays to the evidence base to support Regulation 19; political and governance risks; reputational risks with the community and stakeholders; increased workload and compression of future tasks; financial implications in progressing additional resources to assist in meeting the programme; abortive local plan work if overall work programme and submission cannot be achieved.	F, R	Director of Planning, Housing and Environmental Health	22/01/26	N/A	3	5	15	Identify and get in place additional resource and free up capacity to deliver the Regulation 18 consultation workstream; cross departmental working; ensure that the task is prioritised over other workstreams where possible and subject to other critical pathways; provide a reporting template and prioritise key deliverables.	2	5	10	Agree a clear escalation process; Corporate support and cross - departmental working to progress the work streams	5.1 and 10.1	Corporate Strategy
22	Delays caused by IT issues (internal and external systems)	Delay to progressing work streams; Local Plan timetable slippage; inability to finalise work when required; increased costs and inefficiency; increased pressure on resources and capacity.	F, R, H	Director of Planning, Housing and Environmental Health	22/01/26	N/A	3	3	9	Ensure stable and well supported systems; ensure software updates are undertaken outside working hours; understand the systems and plan for eventualities.	3	2	6	Ensure updates do not affect performance; ensure updates will not affect work momentum or require too much learning or affect data; identify IT dependencies and monitor risks; strengthen IT support; ensure responsive IT support; ensure capacity and build flexibility into the work programme; Ensure flexibility in the IT budget for contingency and modernisation.	5.1 and 10.1	Corporate Strategy

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3 Recommendations

- 3.1 **CONSIDER** the proposed changes to the Planning Enforcement Plan and the associated activity and timescales, as laid out in section 5 of this report and **RECOMMEND** to Cabinet that these changes be agreed for implementation.
- 3.2 **CONSIDER** the pro-active approach, proposed letter templates and direct action against to s215 notices being issued and resourcing options laid out in section 6 to be read alongside the financial considerations in section 7 and the risk assessment in section 8 and **RECOMMEND** to Cabinet that these changes be agreed for implementation.

4 Introduction and Background

- 4.1 The Council's Planning Enforcement Plan (PEP) was first published in 2016 and has been appended by a number of protocols since that time. It has always been the intention that this document would be subject to regular review to ensure it remains in line with legislative requirements and is a useful tool for both officers and those who engage with the service.
- 4.2 Active/ongoing enforcement investigations are confidential and may not be publicly discussed or information thereof shared and some investigations into breaches of planning control may be conducted outside of the scope of the Planning Enforcement Plan.
- 4.3 A further administrative operational update is proposed to be implemented when UNIFORM is fully functional. This update seeks to include an update to the acknowledgement letter to include details of the investigation targets outlined in the priority ranking of the PEP and provides clear timelines for the "initial site inspection" and the "acknowledgement of the complaint"
- 4.4 An administrative review relating to the current approach on advertising/flyposting is currently underway. In addition to the proposed 7 and 14 day letters, where possible, an additional letter specifically relating to these transgression is being considered.
- 4.5 In the past three years, the enforcement team have received 511 cases between January 2022 and December 2025. As of 13 January, there are 368 live enforcement cases, which under investigation and pending consideration. The number of cases closed are 143.

5 Proposal

- 5.1 At present, the Planning Enforcement Plan does not refer to the most recent National Planning Policy Framework (NPPF) December 2024 and does not correctly reference the legislative framework for the submission of planning applications. In the amended Planning Enforcement Plan (PEP) draft appended to this report, updated policy references to the NPPF and application types are

recommended. This is to ensure that the PEP is up to date, correct and that Members and the public are clear on the changes to national policy and submission mission requirements for retrospective applications. Additional updates include an a more prescriptive list of what will be investigated and examples of exclusion of harm.

5.2 To streamline the submission of a complaint of a breach of planning control, a link is proposed to be inserted into the Planning Enforcement Plan that directs the public to the General Permitted Development Order 2015 (technical guidance). This will ensure that stakeholders more widely understand the planning process and what is considered to be a breach of planning control.

5.3 The recommended amendments to the existing Planning Enforcement Plan are minor and relate mainly to and are included in the attached draft PEP (see **Annex 1**):

- Policy referencing in terms of the recent update to the National Planning Policy Framework in December 2024.
- An update on Examples of harm resulting from a breach of planning control could concern:
 - *Untidy land (residential properties that are in disrepair, overgrown gardens and broken boundary fences).*
 - *Unauthorised works to TPO's and Listed Buildings.*
- Exclusion of harm examples:
 - an extension to a building that is slightly larger than permitted development rights allow but does not create any comparative harm -
 - private rights to a view.
 - High Hedges (Government guidance encourages these issues to be resolved privately prior to Council intervention and investigation at a cost).
- A change in the naming of prioritisation of case from 'Top' to 'Immediate'.
- An update to the "case characteristics" of the priority ranking "high" to include:
 - **Under Development causing significant harm : (examples: Loss of Privacy and Overlooking/ Daylight and Overshadowing/ Overbearing Impact -noncompliance with operating hours stipulated in conditions of approvals and deviations from approved plans/Traffic and parking – CMP's not being complied with)**

Under Development potentially causing significant harm to the landscape:
Greenbelt/ National Landscapes (formerly Areas of Outstanding Natural Beauty – AONBs- Valued Landscapes/ Ancient Woodland

Update the PEP to include: ***Distinguishment between Public and Private Harm: Public harm*** involves development that does not benefit from planning approval that endanger the life, health and property of the public, or obstruct the use of public places.

Private harm constitutes a substantial and unreasonable interference with an individual's use or enjoyment of their land or property.

- ***When might it be appropriate to serve an Enforcement Notice?***

“Enforcement Notices are our main enforcement tool. Government guidance sets out that the power to issue an enforcement notice is discretionary (Section 171B and 72 of the Town and Country Planning Act 1990)”.

- **Update to “Involvement in the process”**

Advising the council of possible breaches

“Reports of possible breaches of planning control should be made via our [online enforcement portal](#) . This enables the council to have a record of the need for initiating investigation and possible action”.

By using the link, a determination can be made on whether the development benefits from permitted development rights or requires planning permission and results in a potential breach of planning control:

https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj6s8yu0K2RAXUAd0EAHS65OKoQFnoECBwQAw&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F5d77afc8e5274a27cdb2c9e9%2F190910_Tech_Guide_for_publishing.pdf&usq=AOvVaw2cyZByZVkpzbXFI7pnErmS&opi=89978449

6 Other Options

- 6.1 Following stakeholder feedback, the Planning Enforcement team has considered how a more proactive approach to enforcement can be taken within legislative and capacity constraints. This includes more decisive and stringent assessments of breaches planning control that result in harm and would be contrary to planning policy. The proposed approach includes the issuing of letters outlining the breach and offences requiring immediate cessation without the invitation of a retrospective planning application.

- 6.2 This pro-active approach has is supported by the recent Planning Advisory Service (PAS) review. It recognised that the direction of travel within the Enforcement team and recommendation 14 of the review sought to build on the progress made on strengthening planning enforcement performance by creating a culture of proactive enforcement and involving local members in helping to prioritise enforcement cases that have the biggest impact.
- 6.3 Linked to this approach, new letters have been drafted which are intended to make decisive decisions on unlawful development (see Annexes 2,3,4 and 5). The intention behind these letters is to ensure a very clear message is given to the contravener that whether enforcement action is initiated, a retrospective planning application is invited, or no further action is required.
- 6.4 The intention behind these letters is to ensure initial action is taken more quickly, providing a template to quickly progress cases and for those cases that cause the greatest harm and are unacceptable in policy terms, the threat of enforcement action is highlighted, should the breach not be rectified without formal action.
- 6.5 To streamline the triage process when determining what action is to be taken a revised priority list has been created. The priority list sets out those cases that cause the greatest harm and where the Council's resources should be prioritised to prevent further harm occurring.
- 6.6 The priority list is maintained by the Enforcement Manager and regularly updated and reviewed by the Development Manager. Items included on this list relate to development that has commenced without planning approval and were requested to cease and where a decision has been taken to progress with enforcement action due to the nature of the breach. In order to ensure best and most effective use of resources, only those creating the most significant harm are progressed to formal action.

Direct Action – against s215 notices

- 6.7 Linked to the aforementioned pro-active approach and an update to the report for consideration, included within the priority list, is a list of untidy sites that have been issued with S215 notices without compliance and that have been cautioned of prosecution action in compliance with item 129 of the planning act. The Enforcement Manager has worked with the Empty Homes officer on identifying any unspent pot of money (previously awarded for formal Green Belt direction action - but which can be spent on direction action outside the Green Belt) and this money will be used to remedy the untidy site by direct action.

Software upgrade - Plan X (UK Digital Planning)

- 6.8 At present, there is an influx of no-breach reports being sent into the Enforcement Team for investigation. These reports for the most part are either permitted development or non-planning issues that are addressed by other departments.

Reviewing these no-breach reports puts additional pressure on the Planning Enforcement team.

- 6.9 Therefore, it is proposed to develop a business case to implement the Plan X software. The implementation of the software is aimed at managing the enforcement cases and provide real time information to Members and at the same time provide an opportunity for residents of TMBC to identify whether issues they are experiencing are breaches of planning law that require investigation. The software has been rolled out in a number of other nearby boroughs and has proven to drastically reduce the number of enforcement cases requiring response, with information.
- 6.10 Plan X is an open-source, low-code content management system (CMS) for local planning authorities to build and manage digital planning services.

7 Financial and Value for Money Considerations

- 7.1 The Director of Planning, Housing & Regulatory Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.
- 7.2 The funding for the direct action on s215 has been redistributed from a previous DEFRA grant aimed at contraventions in the greenbelt. The DEFRA grant previously awarded to the Council remained unspent and currently provides a sum of £15,889 in the reserve. This was placed in the reserve for the Planning Enforcement Fund and would no longer have restrictions placed on its use. It is therefore intended to use this reserve flexibly and on direct action where the most significant harm lies.
- 7.3 The cost of defending any appeals arising from Enforcement Action is covered by the Appeals budget.

8 Risk Assessment

- 8.1 Stakeholder expectations are not met - reputational risk which undermines the confidence in the planning enforcement system.
- 8.2 Breaches rise due to Council's inability to efficiently enforce due to workload and to a lack of resourcing, decisive decisions and proactive enforcement action.

9 Legal Implications

- 9.1 Having an effective Planning Enforcement Plan in place ensures that there is a framework for prioritisation and decision making that reduces the risk of the Council's decisions being subject to successful legal challenge. It is also considered to be best practice to have such a plan in place.

9.2 Planning enforcement work is discretionary and there are no statutory provisions requiring the Council to undertake such work. However, as set out in the NPPF, effective planning enforcement is important to maintain public confidence in the planning system. Insufficient or ineffective enforcement could lead to long term harm to the amenity of the Council's area, a lack of trust in the planning system and an inability for the Council properly to administer effective planning control.

10 Consultation and Communications

10.1 None

11 Implementation

11.1 Immediately following approval by Cabinet.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 None

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act.

12.2.2 There is no perceived impact on end users

12.3 Other If Relevant

- Business Continuity / Resilience

Background Papers	None
Annexes	Annex 1 – Revised and updated Enforcement Plan Annex 2 – Proposed - 7 day letter Annex 3 – Proposed - 14 day letter Annex 4 – Proposed TPO/Listed building letter Annex 5 – Proposed material change of use/operational development

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Background context

This document sets out the approach the council will take in relation to breaches of planning control in the borough. Where breaches take place planning law lays down strict requirements which must be followed before the council can enforce against them. These requirements seek to balance the concerns of local people and the rights of owners against the need to secure proper planning control in the borough.

The council understands that breaches of planning control impact on peoples' lives. Consequently, the delivery of effective planning enforcement is an important issue.

With this in mind, this plan sets out how the council's planning enforcement service will seek to address breaches of planning control and prioritise its work. It describes the range of powers available to the council, how the council will decide whether or not to pursue enforcement action and the process of enforcement.

The council's objectives in producing a planning enforcement plan are consistent with the National Planning Policy Framework **2024(2024)** (NPPF). 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 covers the areas of planning permission, advertisement consent, listed building consent, and conservation area consent and tree preservation orders. National legislation allows some minor and small-scale works to be undertaken without the need for any further consent or approval. These works are known as "permitted development". Any works carried out as permitted development cannot be subject to enforcement action.

This plan is in accordance with the objectives and approaches contained within the council's [Corporate enforcement policy](#) and should be read in conjunction with that document.

In dealing with any enforcement issues the council must take into account the council's adopted frameworks and strategies as well as the guidance contained within the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance (PPG).

Scope of planning enforcement

There are two key principles which underpin the planning enforcement system:

A breach of planning control is not a criminal offence, except for unauthorised works to listed buildings, illegal advertisements, demolition without consent and unauthorised works to trees with tree preservation orders or within conservation areas.

Other than in these cases, a criminal offence only arises when an enforcement notice or other formal notice has been served and has not been complied with upon the expiry of a specified time limit.

There is a common misconception that breaches of planning control are a criminal offence and should automatically attract formal enforcement action. In fact, enforcement action is a

discretionary power. It is for each local planning authority to decide the amount of resource to put into enforcement, how to determine when action is necessary and the type of action that is appropriate. In making these decisions the authority should be mindful of maintaining public confidence in the planning system but it should be recognised that in the majority of cases, formal enforcement action should be seen as a last resort.

It is at the council's discretion whether action will be taken - any action proposed must be proportionate to the alleged breach and be in the public interest.

In investigating alleged breaches of planning control formally reported to it, the council will make a reasoned decision whether the alleged breach merits further action. However, formal enforcement action will only be taken where it is fair and reasonable to do so. In making this judgement, we will assess all of the circumstances of the case and make reference to our adopted planning policies. In addition we must also consider central government enforcement policy and guidance which is currently set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) which specifically references when Authorities should take enforcement action.

Importantly, the NPPF sets out that 'local planning authorities should act proportionately in responding to suspected breaches of planning control'.

Formal enforcement action may only be taken in cases where:

- there is a breach of planning control and
- it is expedient to take such action

What does expedient mean?

In general terms, this means where an unauthorised development is causing serious harm, rather than it being a minor or technical breach of planning control.

The matter of "expediency" covers a range of matters upon which a judgement needs to be based, a key issue is whether the breach would unacceptably affect public amenity or use of land that should be protected in the public interest.

Any enforcement action should be proportionate to the breach, so for example, it would be inappropriate to take formal action against a trivial or technical breach.

There will be cases where there is a breach of planning legislation, but the breach or harm is so minor that action cannot be justified, in other words it is not expedient or in the public interest to pursue the case.

Examples of harm resulting from a breach of planning control could concern:

- **Untidy land (residential properties that are in disrepair, overgrown gardens and broken boundary fences)**
- **Unauthorised works to TPO's and Listed Buildings**
 - harm to amenity
 - highway safety issues for example danger from increased traffic flows
 - noise nuisance
 - loss of daylight or privacy

This is not an exhaustive list of 'harm' but indicates that there must be recognisable planning harm.

Such harm would not include, for example:

- loss of value to a neighbouring property
- competition to another business
- an extension to a building that is slightly larger than permitted development rights allow but does not create any comparative harm
- private rights to a view
- **High Hedges (Government guidance encourages these issues to be resolved privately prior to Council intervention and investigation at a cost)**

As such, the planning enforcement team will not investigate the following:

- neighbour disputes or other civil issues including boundary disputes or enforcement of covenants. In these matters, complainants need to contact their solicitor or local Citizens Advice office
- the use of or development on adopted highways, pavements or highway grass verges. These matters should be addressed to Kent County Council as the Highways Authority
- dangerous structures. These matters should be addressed to the council's building control team
- fly-tipping, litter and fly posting. These should be addressed to the council's waste and street scene service

The general approach to enforcement - guiding principles

Government guidance on enforcement focuses not just on the impact of any breach on the complainant but on the rights of the owner or occupier where the alleged breach is occurring. With this in mind, the Council is committed to acting in a fair and consistent manner and has adopted this enforcement plan as part of this commitment. When exercising its enforcement functions the council will act in a way that is:

- consistent and fair
We will look at past cases and try to take a similar approach, for consistency, where this seems fair and reasonable. Cases will be investigated in accordance with the priorities set out within the plan.
- transparent and accountable
Members, residents, existing and potential local businesses, complainants, alleged offenders and council staff should understand how we provide the service and the principles that guide it. We will provide an easy-to-access service, where the procedures, level of service provided and the rights of appeal for the alleged offenders are clearly explained and easy to understand.
- proportionate and targeted

Any proposed action is in keeping with the scale of the alleged breach and the amount of harm caused. In each case we will decide on the most appropriate course of action to follow. Under the law we are only allowed to take enforcement action if it is expedient to do so having taken into account government guidance, our own development plan policies and the specific circumstances of the case.

How we deal with alleged breaches of planning control

How we prioritise cases

When the enforcement team receives an allegation that a breach of planning control may be occurring, the case will be assigned by a senior officer to a member of the enforcement team. An initial assessment of the nature of the breach is then carried out and the case is categorised according to what level of priority it should be accorded.

All allegations of planning control breaches will be prioritised and investigated thoroughly and accurately. Below are the priorities we have assigned to different types of alleged breaches, and the target times we have set to carry out an initial site visit and send an acknowledgement to the complainant.

Please be aware: These are target timescales for the undertaking of an initial site inspection and will be adhered to as far as reasonably practicable in the prevailing circumstances. Following the initial inspection, a subsequent investigation will take place the length of which will be dependent on the complexities of the individual case.

Priority ranking	Case characteristics	Targets for: 1. Initial site inspection 2. Acknowledgement to the complainant	Comments
Top /Immediate	1. Work to listed buildings 2. Work to protected trees 3. Development likely to have a serious impact on health or public safety. Breaches of planning control in respect of development subject to Environmental Impact Assessment	1. One working day 2. Within two working days	In effect the approach would be as soon as possible to prevent irrevocable damage.
High	Development causing significant harm to the quality of life of a significant number of local residents. (examples: Loss of Privacy and Overlooking/ Daylight and Overshadowing/ Overbearing Impact -	1. Five working days 2. Within two working days	Cases with these characteristics are inevitably themselves subject to assessment and judgement during triage -

Priority ranking	Case characteristics	Targets for: 1. Initial site inspection 2. Acknowledgement to the complainant	Comments
	<p>noncompliance with operating hours stipulated in conditions of approvals and deviations from approved plans/Traffic and parking – CMP’s not being complied with)</p> <p>Development with some (less serious or immediately threatening) impact on health or public safety.</p> <p>Development causing potential harm to a Conservation Area or Site of Special Scientific Interest.</p> <p>Development potentially causing significant harm to the landscape.</p> <p>Greenbelt/ National Landscapes (formerly Areas of Outstanding Natural Beauty – AONBs- Valued Landscapes/ Ancient Woodland</p>		<p>may require engagement with outside specialist bodies which may have more appropriate powers of control or enforcement (for example Environment Agency, Health and Safety Executive</p>
Medium	<p>Development which causes limited harm to individuals and/or local communities.</p> <p>Development other than of a wholly minor nature not falling within any other category.</p>	<p>1. 10 working days 2. Within two working days</p>	
Other	<p>Minor developments such as sheds, fences</p> <p>Most advertisements</p> <p>Other minor breaches of planning conditions</p> <p>Minor departures from</p>	<p>1. 15 working days 2. Within two working days</p>	

Priority ranking	Case characteristics	Targets for: 1. Initial site inspection 2. Acknowledgement to the complainant	Comments
	approved plans Most cases of untidy sites other than those which have particular characteristics which fall within a higher priority		

This prioritisation reflects the perceived urgency and level of harm arising to amenity or to areas or features that benefit from special protection.

At this stage the complainant is informed of the case officer's name and contact details. The named Officer will act as the main point of contact and will advise all parties on the outcome of the case. It should be noted that due to the confidentiality requirements of some of the legal processes involved in Planning Enforcement cases, detailed updates on, for example, the type of enforcement action being taken, cannot be provided to members of the public.

Additionally, borough council members are informed of the receipt of allegations on a weekly basis.

Distinguishment between Public and Private Harm:

Public harm generally involves development that does not benefit from planning approval that endanger the life, health and property of the public, or obstruct the use of public places.

Private harm constitutes a substantial and unreasonable interference with an individual's use or enjoyment of their land or property.

How we investigate alleged breaches

The enforcement case officer will inspect the site within the given timescale to determine if a breach of planning control is occurring. This is an essential part of almost every case to establish the actual circumstances on the ground and will also involve research into the site planning history.

If there is no evidence of a breach occurring at this stage, a brief report is produced by the case officer and passed to a team leader / principle planning officer or the development manager for endorsement.

Should the first inspection prove inconclusive, the enforcement case officer will contact the site owner requesting a meeting on the site, or request further information as might be necessary, so that further investigations can be undertaken.

Whatever the assessment, the complainant will be informed and advised of the next course of action.

What we do if a breach is identified

If a breach of planning control is found an assessment must be made, on a case-by-case basis, as to whether:

- it is or is not appropriate to take any further action at all

- to proceed to try to resolve the breach informally through negotiation
- to seek to invite a retrospective planning application; we will only do this if there is some prospect of permission being granted
- to proceed directly towards formal action such as the service of an enforcement notice

The assessments are made by the enforcement team member, in conjunction with a senior officer, who also endorses any recommendations made.

No formal action

It is not automatically the case that the local planning authority will take any action (whether formal or informal) in the event that a breach is discovered to seek to rectify matters. A judgement must be made in each and every case as to whether any action is expedient. This judgement will involve consideration of the seriousness of the breach, the level and nature of any harm that is being caused, and the proportionality of any contemplated remedial action. If the breach is relatively minor, inconsequential or of a purely technical nature, there will be some instances where no further action is appropriate.

Negotiation

In some cases, it may be possible to bring about a satisfactory resolution through informal action such as negotiations with those responsible. This may, for example, bring about the cessation of the unlawful activity, or reduce any harmful impacts so that they are within acceptable bounds.

Government guidance makes it clear that in all but the most serious cases we should initially seek to have planning breaches remedied through negotiation. In these events, the person carrying out the breach will be sent a letter confirming that the breach should be remedied in a specific timescale, or information should be provided to justify to us that no further action should be taken.

Retrospective planning applications

A local planning authority can invite a retrospective application. In circumstances where they consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application (Section 73A of the Town and Country Planning Act 1990) without delay.

We will only do this where it is considered that there is a reasonable prospect of permission being granted. The invitation to submit an application is not, however, meant to imply that permission will necessarily be granted. But it does provide a formal process for consideration of the merits of the case including, importantly, public consultation. In many cases where we follow this course of action, we may eventually conclude that it is appropriate to grant permission subject to conditions that exercise control over the most significant and potentially harmful impacts.

When might it be appropriate to serve an Enforcement Notice?

Wherever possible, we will try to resolve harmful activities through informal action or the planning application process. However, where it is felt that the breach is significantly harmful and is unlikely to be rectified by way of the submission of a planning application we will request that the breach is ceased/remedied within a specified timescale; this is determined on a case-by-case basis and will depend upon the seriousness of the breach and the nature

of harm that is being caused. Should the owners fail to meet this request then enforcement action is required.

Enforcement Notices are our main enforcement tool. Government guidance sets out that the power to issue an enforcement notice is discretionary (Section **171B** and 72 of the Town and Country Planning Act 1990). An enforcement notice should only be issued where we are satisfied that it appears that there has been a breach of planning control and it is expedient to issue a notice, taking into account the provisions of the development plan and any other material considerations.

Enforcement notices are formal legal documents that will require the owner or occupier to take specific steps to remedy the planning breach in a specified time. Once served, the enforcement notice is entered onto the Local Land Charges Register and will remain on the register until the notice is withdrawn or any subsequent appeal is dismissed by the Planning Inspector. If the notice is not complied with the planning breach will become a criminal offence which can be prosecuted in the Courts. However, the notice may be appealed to an independent, government- appointed Planning Inspector. In such cases the effect of the Enforcement Notice is suspended whilst the appeal is ongoing. Inspectors can decide to uphold the notice, amend it or have it quashed.

Alternatively, if the breach consists of a breach of conditions on an existing permission, a Breach of Conditions Notice can be issued. In this case, a continuing breach could lead to prosecution in the Magistrates' Court. There is no right of appeal against a Breach of Condition Notice.

Where a planning application is invited but none is submitted within a reasonable period, consideration is given to taking further action. Where formal action is contemplated, we will take legal advice before commencing such action.

In addition, the council will, in exercising its duties under Regulation 35 of the Environmental Impact Assessment Regulations 2017, have particular regard to any breaches which have implications for features of developments intended to avoid, prevent, reduce or offset significant adverse effects on the environment that have been approved within the context of an Environmental Statement.

Other possible types of formal action

Planning Contravention Notice (PCN)

This is a legal notice which allows us to bring the breach to the attention of the owner or occupier and requires the alleged offender to provide certain information. A planning contravention notice may be issued under Section 171C of the Town and Country Planning Act 1990 and can be used to do the following:

- allow us to require any information for enforcement purposes about any operations being carried out, any use of or activities being carried out on the land
- can be used to invite its recipient to respond constructively to us about how any suspected breach of planning control may be satisfactorily remedied

The issuing of a PCN is discretionary. We need not serve one before considering whether it is expedient to issue an enforcement notice or to take any other appropriate enforcement action.

It is a criminal offence to give false or misleading information in response to a PCN and in the event the council becomes aware of such an occurrence consideration will be given as to whether prosecution of the offence would be in the public interest.

Section 215 notices

A Local Planning Authority has the power to issue a notice under s215 if the amenity of part of its area is adversely affected by the condition of a piece of land. The notice requires such steps as may be specified for remedying the condition of the land (includes buildings) and provides a minimum of 28 days before it takes effect. There is no right of appeal to a planning inspector, although before the notice takes effect an appeal may be made to the Magistrates Court by those served with the notice or any other person having an interest in the land. The council will consider serving such a notice where clear and demonstrable harm is arising to public amenity as a direct result of the condition of a piece of land.

Stop notices, temporary stop notices and court injunctions

These can be used to bring a quick stop to development where a breach is causing serious or irreparable harm and immediate action is justified. They will therefore generally only be used in the most serious cases. The use of injunctions will be considered in appropriate cases, such as where a listed building is undergoing alterations without consent that affects its special historic and architectural interest or where the council has evidence that a site will be developed without planning permission and in doing so will cause serious harm to particular planning interests.

Prosecution

In most cases the council cannot prosecute until we have taken formal enforcement action through the service of a formal notice, such as an Enforcement Notice or Breach of Conditions Notice, and any period specified in that notice has expired.

Prosecution does not bring about the remedying of a breach; rather it can be seen as the Courts "punishing" the person responsible, usually through a fine. Even though a successful prosecution may not remedy a planning breach on its own it can have an important deterrent effect.

We will not take a prosecution forward without first taking legal advice. As part of that advice, an assessment will be made as to whether there is sufficient evidence to take a prosecution forward and whether it is, in all the circumstances, in the public interest to take a prosecution, in accordance with the Code for Crown Prosecutors.

Additional prosecutions in response to ongoing non-compliance

Further to prosecution action as set out above, the breach of a notice may continue. In such circumstances, the council will consider whether further prosecutions are appropriate and in the public interest in addition to the following possible courses of action.

Proceeds of Crime Act 2002 (POCA)

Confiscation orders under the Proceeds of Crime Act 2002 (POCA) provides power to local authorities to obtain confiscation orders against people who commit planning crimes, to deprive them of the financial benefit they have gained as a result of committing planning crimes.

With a few exceptions, breaching planning control is generally not a criminal offence, but such activities can become criminal where they continue to occur in breach of a valid, effective enforcement notice.

Obtaining a confiscation order under POCA in these circumstances punishes the offender by forfeiting the profits attributable to the planning breaches, and in such circumstances the local authority receives a share of those profits. Using careful judgement and thorough investigation, local authorities can use this tool to target known repeat offenders, creating a real deterrent against breaches of planning law, while at the same time recovering sums to cover costs of any necessary remedial action.

In considering cases of ongoing breaches of effective enforcement notices, the council will consider whether such action is appropriate and proportionate.

Injunctions

The council will, when it is considered to be expedient for any actual or apprehended breach of planning control to be restrained, apply to the High Court or County Court for an injunction to restrain a breach of planning control (section 187B of the Town and Country Planning Act 1990).

Direct action

The council has the power in certain circumstances to make sure an enforcement notice is complied with by carrying out the required steps directly. It can also make the decision to take direct action to remedy a breach of planning control rather than serve a formal notice in the first instance.

In such circumstances, the council can recover all the costs incurred from the owner. Deciding whether or not to pursue direct action will only be done following a detailed review all the relevant circumstances of an individual case and the balancing of all determinative factors. Such action will only be taken if the council is confident that it is proportionate and necessary to do so.

Out of hours

There is rarely an opportunity or a justification for action to be taken out of hours whilst balancing all the relevant elements including European Convention on Human Rights (ECHR) considerations, and as such the council does not operate an out of hours planning enforcement service.

Involvement in the process

Advising the council of possible breaches

Reports of possible breaches of planning control should be made via our [online enforcement portal](#). This enables the council to have a record of the need for initiating investigation and possible action.

By using the link, a determination can be made on whether the development benefits from permitted development rights or requires planning permission and results in a potential breach of planning control:

https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj6s8yu0K2RAxUAd0EAHS65OKoQFnoECBwQAw&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F5d77afc8e5274a27cdb2c9e9%2F190910_Tech_Guide_for_publishing.pdf&usq=AOvVaw2cyZByZVkpzbzXF17pnErmS&opi=89978449

When this is not possible reports should be made in person, for example, by telephone to enable council officers to make a detailed written record.

Anonymous reports will not be investigated unless they concern a statutory listed building or a protected tree.

Vexatious or repeated complaints will not be investigated. The development manager will determine these on a case by case basis.

No personal data relating to those making complaints will be shared with any party involved in the alleged breach.

In the event that a request is made to the council under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, personal information of individual complainants will not be disclosed in accordance with the principles of relevant data protection law.

If we have been informed that you may be responsible for a planning breach we will:

- provide identification whenever we visit
- provide the name of the officer carrying out the investigation
- investigate the complaint thoroughly before making any decision on what action to take
- write to you explaining our conclusions
- explain what you need to do to put matters right, how long you have to do this and what the consequences might be if this does not happen
- inform you if we decide to issue an enforcement notice, intend to take any direct action or start legal action

If you feel that there has been an error in the way in which an enforcement investigation is being carried out, or you are dissatisfied with the outcome of the council's investigations, you should use the council's formal complaints procedure which can be found on the council's website at Make a complaint. planhousinghealth@tmbc.gov.uk

Communication with members

Borough council members are informed of the receipt of allegations of breaches of planning on a weekly basis and are also informed of all cases that are closed.

Due to the confidentiality requirements of some of the legal processes involved in Planning Enforcement cases, detailed updates on, for example, the type of enforcement action being taken, cannot be provided to members of the public. However due to the nature of member involvement in operational matters, certain categories of information relating to the type of enforcement action being taken can be provided to Borough councillors.

In addition to this borough councillors have access to a digital enforcement tracker which enable them to access real time information on enforcement complaints.

Communication with stakeholders

If any stakeholder (a member of the public, a parish or town council or a borough councillor) draw our attention to a possible planning enforcement issue we will:

- not consider anonymous enquiries or vexatious or repeated complaints
- write to acknowledge your complaint within the prescribed time period

- write to let you know the priority it has been given and who is investigating it
- contact you if we need further information
- keep you informed on progress at key stages of our investigation
- let you know the final outcome of your complaint
- treat your complaint confidentially

Parish and town council involvement

In addition to this, if you are a parish or town council:

The council recognises that parish and town council members have an important role to play in this process. Town and parish councils have a great deal of local knowledge and awareness of what is happening in their areas. Town and parish councils can inform the planning enforcement process and as such the council encourages them to engage with officers over planning enforcement issues, on the understanding that decisions on whether or not to take enforcement action are governed largely by the law and clearly defined material planning considerations and as a result cannot be unduly influenced only by local perception.

Managing planning enforcement

Scheme of delegation

The Director of Planning, Housing and Environmental Health has delegated authority to issue all planning enforcement notices.

The responsibility for endorsing decisions will sit with the relevant team leader or service manager in planning services (the team leader will not endorse their own decisions) and will be escalated to the Head of Planning or Director of PHEH as necessary.

The decision as to whether criminal, or other legal proceedings should be brought, is delegated to the Director of Central Services. In addition, there is standing authorisation from the Director of Central Services to the Head of Legal and Democratic Services to make such decisions.

Annex 2



www.tmbc.gov.uk

Planning, Housing &
Environmental Health

XXXXXXXXXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXX

Our ref xxxxxxxxxxxx
Contact xxxxxxxxxxxx
Email xxxxxxxxxxxx@tmbc.gov.uk
Date xxxxxxxxxxxx

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

Site: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

Breach : xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

In response to a complaint received by Tonbridge and Malling Borough Council regarding a breach of planning law in the form of **Delete not applicable : Work to a listed buildings/Work to protected trees/ Development likely to have a serious impact on health or public safety – officer to describe breach.**

A site inspection carried out at the property on the **insert date: xxxxxxxxxxxx**, has confirmed the unauthorised **Delete not applicable: Work to a listed buildings/Work to protected trees/ Development likely to have a serious impact on health or public safety – officer to describe breach.** Thus, confirming that a breach of planning law has occurred.

The works carried out without **planning/listed building or TPO consent** are considered to have a significant impact on the **heritage asset/conservation area/neighbour amenity** and is unlikely to be supported.

In light of the above, and to avoid enforcement action being taken, you are required to cease the unauthorised works immediately.

A compliance inspection will be conducted within **7 days** to confirm the cessation of the works and further details regarding any remedial measures will be provided within **14 days** of the compliance inspection.

Yours faithfully

Offer name: xxxxxxxxxxxxxxxxxxxx
Planning Enforcement Officer

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Annex 3



www.tmbc.gov.uk

Planning, Housing & Environmental Health

XXXXXXXXXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXX

Our ref xxxxxxxxxxxx
Contact xxxxxxxxxxxx
Email xxxxxxxxxxxx@tmbc.gov.uk
Date xxxxxxxxxxxx

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

Site: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

Breach : xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

In response to a complaint received by Tonbridge and Malling Borough Council regarding a breach of planning law in the form of **Delete not applicable : Material change of use/ Operational development in the form of**– officer to describe breach.

A site inspection carried out at the property on the **insert date: xxxxxxxxxxxxxxxx**, has confirmed the unauthorised **Delete not applicable: Material change of use/ Operational development in the form of**– officer to describe breach Thus, confirming that a breach of planning law has occurred.

The **material change of use/operational development** in the form of carried out without planning permission is considered to have a significant impact on the **conservation area/ANOB/ neighbour amenity** and is unlikely to be supported.

The unauthorised Material change of use/operational development is an offence under **Section 55(1)/Section 57(1)** of the **Town and Country Planning Act 1990**.

In light of the above, and to avoid enforcement action being taken, you are required to cease the unauthorised works immediately.

A compliance inspection will be conducted within **14 days** to confirm the cessation of the works and further details regarding any remedial measures will be provided within **14 days** from the date of the compliance inspection.

Yours faithfully

Offer name: xxxxxxxxxxxxxxxxxxxx

Annex 3



www.tmbc.gov.uk

**Planning, Housing &
Environmental Health**

Planning Enforcement Officer

Development Management

Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ

<http://www.tmbc.gov.uk>

email planning.enforcement@tmbc.gov.uk

Annex 4



www.tmbc.gov.uk

Planning, Housing &
Environmental Health

XXXXXXXXXXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXX

Our ref XXXXXXXXXX
Contact XXXXXXXXXX
Email XXXXXXXXXX@tmbc.gov.uk
Date XXXXXXXXXX

CAUTION: THIS IS IMPORTANT INFORMATION RELATING TO THE UNAUTHORISED TREE WORKS RECENTLY CARRIED OUT AT THE PROPERTY.

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

Site: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Criminal Offence/Breach of planning law: Unauthorised lopping of branches from several trees standing at the above site and removal of which were also standing at the above site all of which are included within of the Tree Preservation Orders.

Trees at the property of are protected because they stand within a Conservation Area and their **removal/lopping/damage** is considered to be a criminal offence in terms of **Section 210 of the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.** .

In accordance with the tree preservation legislation the prior formal consent of the Local Planning Authority (LPA - Tonbridge and Malling Borough Council) is required for work to trees that are included within a TPO and six weeks' prior written Notice must be given to the LPA for work to trees which benefit solely from Conservation Area protection.

The Council (LPA) has no record of having received any recent application/notification in respect of the work to the trees at the above site, or of having granted any consent for the works which have been undertaken.

Annex 4



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**Planning, Housing &
Environmental Health**

An inspection conducted on theconfirms that that offences under the tree preservation legislation have been committed.

Any further works to the protected trees at the aforementioned property shall cease with immediate effect and details of the prosecution proceedings initiated against the responsible parties will be shared within 7 days from the date of this letter.

Yours sincerely,

{investigating officer}

Planning Enforcement Officer

Annex 5



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Planning, Housing &
Environmental Health

XXXXXXXXXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXX

Our ref xxxxxxxxxxxx
Contact xxxxxxxxxxxx
Email xxxxxxxxxxxx@tmbc.gov.uk
Date xxxxxxxxxxxx

CAUTION: THIS IS IMPORTANT INFORMATION RELATING TO THE UNAUTHORISED WORKS RECENTLY CARRIED OUT AT THE PROPERTY.

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

Site: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Criminal Offence/Breach of planning law: Unauthorised works to a Listed Building in the form of.....

The building cited on the property of are protected under the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#). These building are heritage asserted and any works to the Listed Buildings without prior Listed Building Consent is considered to be a criminal offence in terms of **Section 9 of the Town and Country Planning Act 1990 and the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)**.

The Council (LPA) has no record of having received any recent application/notification in respect of the work to the Listed Building at the above site, or of having granted any consent for the works which have been undertaken.

An inspection conducted on theconfirms that that offences under the **Town and Country Planning Act 1990 and the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)** have been committed.

Annex 5



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**Planning, Housing &
Environmental Health**

Any further works to the heritage asset at the aforementioned property shall cease with immediate effect and details of the prosecution proceedings initiated against the responsible parties will be shared within 7 days from the date of this letter.

Yours sincerely,

{investigating officer}

Planning Enforcement Officer

Housing and Planning Scrutiny Select Committee

17 March 2026

Part 1 - Public

Matters for Information



Cabinet Member	Cllr Robin Betts, Cabinet Member for Housing, Environment and Economy
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Regulatory Services
Report Author	Eleanor Hoyle, Director of Planning, Housing & Regulatory Services

Cabinet Member Update – Housing

1 Summary and Purpose of Report

- 1.1 The report provides an update to Members on key activity in the Housing Service during 2025/26.

2 Corporate Strategy Priority Area

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.

3 Housing Improvement

- 3.1 The Council continues to deliver a successful Disabled Facilities Grant (DFG) programme with 69 mandatory and 4 discretionary DFGs already delivered this year, with more approved. In addition to this core work, the Council also utilises funding from its Better Care Fund Allocation to partnership fund schemes including Hospital Discharge Coordinators, a Hoarding support service and a Handypersons scheme.
- 3.2 There has been an increase in damp and mould casework following the introduction of Awaab's Law and a focus on ensuring that private sector landlord duties are being met.
- 3.3 The management of the Windmill Lane Gypsy & Traveller site is delivered by Kent County Council, who have an established team with specialist roles. TMBC officers act in a client function and have built on good working relationships to ensure that the site is being well managed on behalf of the borough.

- 3.4 The officer team is preparing for the implementation of the Renters' Rights Act, undertaking key training and focusing on implementation of early phase requirements. This will continue to be a focus through the coming year.
- 3.5 The Council has established a fixed term Empty Homes Officer post to provide some focused attention for this key area of work, progress on which was reported to the Council's Overview & Scrutiny Committee in [January 2026](#).

4 Housing Solutions

- 4.1 The Council entered 2025/26 with a significant Housing Register application backlog. Additional staffing resource has been deployed to manage this backlog, alongside the Register team developing their work on Housing Register reviews, Local Lettings Plans and outreach advice. There has been a significant reduction in waiting times and numbers of applications waiting for assessment, with cases currently being assessed from January 2026. In addition to this, all annual review processes for households on the register, ensuring that their housing need details are regularly updated, are all in place. This is a real achievement for the Housing service against the context of an already high and potentially increasing number of applications to join the Housing Register.
- 4.2 The service had 177 approaches relating to Homelessness in January 2026 (this figure includes approaches by individuals and duty to refer). When an applicant approaches the service, an initial assessment is completed, and this determines the action that will be taken on the case. If a household is threatened with homelessness within 56 days (so for example they have a s21 notice) then a prevention duty will be accepted which means the case officer will work with household to try and help them to keep their home. If they are already homeless, then the case officer will accept a relief duty and work with them to find an alternative home. When a household approaches and we believe they are homeless, this is when we also consider if TA should be provided.
- 4.3 The Council accepted 31 prevention cases and 23 relief cases and ended 16 preventions and of these 15 were successful and ended 29 relief duties of which 16 were successful. A successful prevention or relief means that we kept them in their own home or found an alternative. Some examples of how this is done may be via mediation with parents, to stop a family eviction, payment of a DHP to clear arrears, or an offer of social housing could be made to move someone on from TA. The service also completed one formal private rented sector offer in January 2026, which was managed by our Move-On Officer, and it is anticipated that use of PRSO will increase with changes in the procedures and as the team develop relationships with landlords in the district. The service also dealt with 20 calls out of hours.
- 4.4 The completion of the Housing Solutions restructure has taken place, with the introduction of a Senior Accommodation Officer to oversee the 'end to end' process for Temporary Accommodation (TA). This includes officers focused on

move on options for households should they be placed in TA. When coupled with the increased focus on prevention work, as evidenced by the statistics provided above, this is enabling the team to more closely manage the journey of a household in TA and to seek quicker resolution to their housing need. Members will recall from KPI monitoring that the Council's TA need has been as high as 160 households over the last two years. This number has been steadily decreasing and whilst there are always external factors beyond the control of the Council that will impact it, the level is now sitting at around 100 households. The budget for 2026/27 has been set on the basis of 120 households in TA.

- 4.5 As part of this, the team has now taken on full operational management of the Council's owned and managed Temporary Accommodation, including the units at Bridge House in Tonbridge, which represents the largest concentration of TA that the Council manages. There has been a focus on compliance with housing standards, ensuring our legal processes for licences are robust and implementing detailed monitoring of household placements.
- 4.6 Whilst the number of households in TA will always be a significant factor, the unit cost of the TA being utilised also plays a large role in managing the financial impact of TA delivery on the Council, as does management of rental income and debt. For the former, the increased number of Council owned units has been beneficial, alongside excellent collaborative working between Housing and Finance, with assessment of nightly paid TA costs informing priorities for moving households between TA placements where appropriate or ending use of the most expensive nightly paid TA. For the latter, an audit was undertaken on rent and debt management, resulting in the Council moving towards a rent management solution offered by the provider of our Choice Based Lettings software. This approach will be implemented in the coming months, to ensure that TA rent and debt are appropriately managed and to further contribute to a reduction in the cost of delivering TA.
- 4.7 The Housing team has also administered a number of Local Lettings Plans this year, in line with the Council's adopted policy. A detailed update on this work is attached to this report at **Annex 1**.

5 Housing Strategy and Enabling

- 5.1 There are approximately 36 Registered Providers and 1 non-Registered Provider with a total of 7,978 affordable homes in Tonbridge and Malling. These range from small charitable providers to large not for-profit and for-profit providers, with the main stockholder being Clarion Housing with over 7000 homes. A list of government data for Registered Providers with stock in Tonbridge and Malling can be found in **Annex 2**, a summary of the providers with a higher number of homes or with recent delivery activity in the borough is as follows:

Registered Provider	Total Social Stock (unweighted)	General needs self-contained units (unweighted)	Supported housing/ housing for older people units (unweighted)	Low cost home ownership
Clarion Housing Association Limited	7043	6,358	292	392
Moat Homes Limited	715	274	50	391
Town and Country Housing	349	160	109	80
Hyde Housing Association Limited	302	233	6	63
Southern Housing	255	219	-	36
Golding Homes Limited	192	189	-	3
Orbit Housing Association Limited	147	147	-	-
Orbit Group Limited	108	6	-	102
Housing 21	127	-	127	-
Sage Homes RP Limited	95	53	-	42
Sage Rented Limited	8	8	-	-
West Kent Housing Association	78	49	5	24
Non Registered provider				
MHS	114	89	0	25

Data for Registered Providers is from the Regulator of Social Housing data look up tool: [RP social housing by local authority area 2024](#)

- 5.2 Affordable Housing providers with over 200 homes in the borough were invited to meet with Members on the Housing Association Liaison Panel across a series of four dates. Meetings have taken place with Moat Homes, Town and Country Housing, Hyde Housing, Clarion Housing, Golding Homes and MHS.
- 5.3 The meetings were generally positive, and all parties welcomed the opportunity to discuss key issues. Providers highlighted they have continued to face a range of challenges in delivering and maintaining affordable housing, with financial, operational, regulatory and strategic pressures. Providers have had to balance continued improvements to existing stock (including fire safety and damp/mould remediation) with delivering new homes, with several providers citing this impacting on ability to take S106 affordable delivery. Operational challenges include labour shortages and costs increases, and investment needed relating to retrofitting homes to improve energy efficiency. Providers are hopeful increased certainty relating to government funding and rent setting will improve the situation.
- 5.4 Engagement with affordable housing providers will continue, including a further round of HALP meetings to ensure direct discussion and engagement with those who did not take up the offer of a meeting in the first round – likely to include Orbit Housing, Southern Housing, West Kent Housing and Sage Homes.
- 5.5 In addition to meetings, performance data was requested from Registered Providers, an exercise that will be repeated annually. This data is attached at **Annex 3**.

- 5.6 As part of the Council's acceptance of Local Authority Housing Fund Round 3 (LAHF3), a tender exercise was carried out in summer 2025 to deliver modular units at the Bluebell Hill car park site. Working with the successful contractor, ZedPods, planning approval has now been secured for a 12 2-bed unit scheme, delivery of which will take place in 2026/27. This scheme was predominantly funded through LAHF3 and developer contributions.
- 5.7 As part of the requirements for LAHF3, the Council also had to provide some resettlement units for eligible Afghan households. These are being delivered predominantly through use of existing assets, including maisonettes in Martin Square and a street property on Pembury Road. There will be a further report to Members regarding the management of these properties in the coming months, with the aim for them to be occupied as soon as possible, working in partnership with officers at the County Council.
- 5.8 The Council leases 9 units at Union Street in Maidstone, working with the Care Group, who also provide support services under a Service Level Agreement. These units are designed to house single people with high support needs. The scheme continues to be well used and to enable the Council to meet its statutory duties to these households.
- 5.9 Additional units have now been conditionally leased in Tonbridge, with the owner currently working to convert and fit out the units by March 2027, at which point the Council will take possession to utilise these for TA.

6 Financial and Value for Money Considerations

- 6.1 All of the work outlined in this report is delivered either within Council budgets or through external funding.
- 6.2 The Government provides Councils with a separate Homelessness Prevention Grant to support activity related to homelessness. There are some changes to this funding formula as part of the Fair Funding Review and these have been accommodated in budget planning.
- 6.3 The Better Care Fund is also a separate Government grant with its own conditions.

7 Cross Cutting Issues

- 7.1 Climate Change and Biodiversity
- 7.1.1 Limited or low impact on emissions and environment.
- 7.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.
- 7.2 Equalities and Diversity

7.2.1 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.

Background Papers	None
Annexes	Annex 1 - Local Lettings Plan update Annex 2 - Registered Provider list Annex 3 - Registered Provider performance data

Local Lettings Plan (LLP) Policy update

1 Summary and Purpose of Report

- 1.1 This report provides an update on the implementation of the Local Lettings Plans Policy, with information on the use and outcomes of Local Lettings Plans.

2 Corporate Strategy Priority Area

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.2 Within local lettings plans we prioritise households with a local connection to the area immediate to a housing development.

3 Introduction and Background

- 3.1 Local Lettings Plans (LLPs) give a framework for allocating homes outside the Housing Allocation Scheme to address local priorities or issues. A report outlining an approach to using LLPs went to members in February 2020, including prioritisation of households with a local connection to the area immediate to developments and an aim of 50% of lettings to economically active households. A Local Lettings Plan Policy was considered by Members in May 2025.

- 3.2 Requirements for Local Lettings Plans are now included in S106 agreements for developments due to provide 10 or more affordable homes.

There may be circumstances where this is not appropriate or an existing S106 does not include the requirement, which are handled on a case by case basis by the Planning case officer and Housing Strategy and Enabling Manager.

- 3.3 The Housing Allocation Scheme refers to local lettings policies in section 5 setting out they may be used to make affordable housing available to a range of priority bandings across the register towards creating mixed and sustainable communities rather than concentrations of those with support needs.
- 3.4 The approach to Affordable home ownership sales is also captured in the LLP seeking to prioritise local households wherever possible.
- 3.5 LLPs have been agreed with a number of RPs over recent years including Town and Country Housing, Moat Homes, Orbit, Golding Homes and West Kent Housing Association.
- 3.6 The process of agreeing LLPs and applying them to the occupation of new homes has given insight into the results of LLPs and how they interact with a

range of factors including volume of delivery, demand and register numbers. This report provides an update on the use of LLPs and their outcomes relating to recent affordable homes delivery.

4 LLP implementation update

4.1 Winterfield Lane development with Moat: remaining affordable housing delivery up to October 2025

- 4.1.1 An LLP was agreed with Moat [LLP agreed with Moat](#) for the 100 affordable homes at this development, 70 provided as Affordable Rent and 30 for Shared Ownership sale. During 2024-25 31 rented homes (20 flats and 11 houses) and 12 Shared Ownership homes completed with the LLP outcomes for these homes reported to members in May 2025.

There have been 39 homes for rent and 22 for shared ownership sale (mix of 2 and 3 bed houses) since the last update.

- 4.1.2 Rented provision: two more blocks of flats with a mix of 1 and 2bed flats, 12 x 1bed flats and 8 x 2bed flats along with 19 houses comprising 11 x 2beds and 8 x 3beds.

- 4.1.3 The 19 houses were advertised across three date groupings, in July and September. All adverts generated shortlists with sufficient bids for nominations from one advertising round, with ten households having priority through local connection to the specified wards. Nominations to the other nine houses were made in application date and band order. One household with a nomination due to local connection priority was later refused by the applicant – the numbers above take account of this. Eight households were economically active and eleven were not economically active, with five households in receipt of carers allowance.

- 4.1.4 The two blocks of flats were advertised on Kent Home Choice at the same time, offering 20 flats in total, with 12 x 1bed flats and 8 x 2bed flats. Key points of shortlisting process as follows:

- first advertising round resulted in 6 of the 20 flats being nominated to, none of which were households with local connection priority under the LLP. 3 of the six nominations were economically active households.
- second advertising round resulted in a further 2 flats being nominated to, no local connection priority, both economically active. With flats remaining available, a third round of adverts were published.
- third advertising round led to 5 more nominations, including 1 household who had priority due to local connection and economically active. Direct nominations were made to six flats, all of which were households in temporary accommodation.

- economic activity summary: 6 of the 20 households were economically active, 8 were not economically active and the economic activity status is unknown for 6 households.

4.1.5 Shared ownership sales: of four shared ownership house sales one had local connection. The other three homes were sold to households with no existing connection to the area. A further update on all shared ownership sales at this site will be sought.

4.2 Hermitage Park (Land South of Barming Station) development: phase 1 with Orbit Homes

4.2.1 There is an LLP agreed with Orbit for 81 affordable homes at this development, comprising of 50 homes for Affordable Rent and 31 for Shared Ownership sale. 17 flats for rent (11 x 2bed flats and 6 x 1bed flats) were ready for advertising in August/September 2025.

4.2.2 All 17 flats were advertised on Kent Home Choice, with each group of adverts receiving about 5 to 18 bids and no households met the LLP local connection criteria, so nominations were made by reverting to the top of the shortlist in application date and band order.

4.2.3 A shortlisting and nominations summary is as follows:

- **1 bed flats, six available across two blocks of flats:**

- In the first round of advertising there were 10-18 bids for the 1bed flats available. Four flats were nominated to after the first round of advertising. No LLP local connection priority. Three of the nominated households were open to us as homeless cases, with some in temporary accommodation. One household was economically active and two households were not economically active.

- **2bed flats, 11 available across two blocks of flats:**

- One flat was nominated to from the first round of adverts– the household was economically active and not open to us as a homeless case. The first round of advertising saw 5-6 bids for the 2bed flats available.

- The remaining 10 flats were advertised three more times, during this process 2 flats were nominated to after the second advert, both economically active households not open to the homeless team. And on the fourth round a further nomination was made for an economically active household, not open to the homeless team.

- With shortlists exhausted from four rounds of advertising, direct nominations were made to the remaining available flats – seven direct nominations were made, three of which were economically active and

open to the homeless team, four were not economically active and open to the homeless team.

4.2.4 Further delivery of 24 flats across three blocks is underway and local connection priority is being monitored and will be reported to Members in a future report.

4.3 Hermitage Park development: phase 2 with Golding Homes

4.3.1 There is an [LLP agreed with Golding Homes](#) for 51 affordable homes being delivered as part of this development, consisting of 31 Affordable Rent homes and 20 for Shared Ownership sale.

4.3.2 Three 4bed homes for rent have been delivered to date, lettings summary as follows:

- All three available homes nominated to after first advertising round
- 17 bids
- two households nominated had local connection priority in line with the LLP, one household not economically active and not open to the homeless team, the other was economically active and not open to the homeless team.
- with all local connection priority accounted for the third remaining home was allocated by reverting to the top of the shortlist in application band and date order and a household nominated, not economically active and not open to the homeless team.

4.3.3 Six Shared Ownership homes have been released for sale (due to complete in May 2026), at last update in January 2026 five homes were sold/reserved with local connection information as follows:

- Three homes sold to households with the ward connection as set out in the LLP prioritisation
- Two homes sold to households with connection to Tonbridge and Malling borough.

4.4 Barden Croft development with Clarion Housing

Clarion is the Registered Provider for the 50 affordable housing within this Cala development in Tonbridge. The 50 affordable homes comprise of 35 Affordable Rent homes and 15 for Shared Ownership sale. An [LLP has been agreed with Clarion](#) for this site and the first homes completed in 2025.

4.5 The first round of rented homes delivered consisted of 12 Affordable Rent homes, with a lettings and nominations summary as follows:

4.5.1 Four 4bed houses: three homes were advertised on Kent Home Choice and one was used for a direct nomination for a household in Temporary Accommodation. For the three advertised homes nominations were made

after 1 round of advertising from shortlist of 12 bids, with all three having local connection priority in line with the LLP criteria and 1 economically active household. During the nominations process one household from the shortlist, with local connection priority, was rejected by Clarion due to affordability. Officers therefore made a further nomination (this household also had the LLP local connection priority). The first household nominated for the direct nomination house was also rejected due to affordability, and another nomination was made.

4.5.2 Two x 2bed houses: all homes were advertised through Kent Home Choice once with shortlists showing 30 bids. Both nominations were households with local connection priority under the LLP, one economically active and one not economically active.

4.5.3 Six x 2bed flats: the block of flats were advertised through Kent Home Choice three times from October 2025, with the following key points:

- Five flats were nominated from shortlists, one was nominated to as a direct nomination to a household open to the homelessness team.
- One flat was nominated to after the first round of advertising, this household met the priority local connection criteria of the LLP, not economically active.
- One flat was nominated to after the second round of advertising, with local connection priority in line with the LLP, economically active
- Three flats were nominated to after the third round of advertising, two households met the local connection prioritisation of the LLP and one did not. One of the three households was economically active, two were not.

4.5.4 Eight Shared Ownership homes have been delivered in 2025 so far, four 3bed houses and four 2bed houses, all of which had a lot of interest and applications from prospective buyers through Clarion's shared ownership sales team – all the houses have been allocated to buyers with local connection priority under the LLP.

4.6 The examples illustrate the range of scenarios that can occur when a Local Lettings Plan (LLP) is in place. Factors such as supply, the number of households active on the Housing Register, demand, affordability, and preferences for houses over flats all interact. In some cases, shortlists show demand exceeding supply, with priority applied in line with the LLP to achieve a mix of nominations. In other instances, not all available homes were successfully nominated to, requiring multiple rounds of advertising with supply exceeding the number of bids.

4.7 An LLP has been agreed and is in the process of being finalised with West Kent for their forthcoming affordable homes delivery at Castor Park. LLPs are also being agreed with Golding Homes for two sites in Hermitage Lane. Work with Clarion on the implementation of the LLP for Barden Croft will continue as the affordable housing delivery continues throughout the year. Other LLPs

for active delivery of affordable homes include Orbit at Ditton Edge (also known as Orchard Mill).

5 Conclusion/summary

- 5.1 The examples show the range of scenarios that can play out with a LLP in place, with supply, numbers active on the Housing Register, demand and preference for houses rather than flats and affordability all interplaying factors. Some shortlists demonstrate demand outstripping supply and priority in line with the LLP applying to mix nominations, and other shortlists not resulting in nominations to all available homes and so were advertised several times, with few or no households meeting the LLP and supply outweighing the number of bids.

6 Financial and Value for Money Considerations

- 6.1 The approach using LLPs has a resource implication of staff time throughout the process from agreeing and getting LLPs in place for new developments through to carrying out criteria checks to prioritise shortlists to make nominations to available homes and summarising LLP outcomes through manual records and checks. This can be quite involved particularly when a number of homes complete at a similar time or if the Registered Provider has queries about the LLP approach.

7 Legal Implications

- 7.1 Section 166A(6)(b) of the 1996 Act enables the allocation of particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of Section 166A(3) (to give overall priority to people in the reasonable preference categories). This gives the statutory basis for local lettings policies.
- 7.2 Legal Services advice about an option to charge developers for the administration of LLPs is being sought.

8 Consultation and Communications

- 8.1 LLPs are published on the Council's website.

9 Implementation

- 9.1 LLPs are included in S106 agreements and are discussed and agreed where affordable housing is part of a development.

Registered Provider stock, Tonbridge and Malling Borough, Regulator of Social Housing, [RP social housing by local authority area](#), October 2024 (April 2023 – March 2024 data) look up tool

	Registered Provider	Total Social Stock (unweighted)	General needs self-contained units (unweighted)	Supported housing/ housing for older people units (unweighted)	Low cost home ownership
8	Clarion Housing Association Limited	7043	6,358	292	392
20	Moat Homes Limited	715	274	50	391
35	Town and Country Housing	349	160	109	80
15	Hyde Housing Association Limited	302	233	6	63
31	Southern Housing	255	219	-	36
11	Golding Homes Limited	192	189	-	3
22	Orbit Housing Association Limited	147	147	-	-
14	Housing 21	127	-	127	-
21	Orbit Group Limited	108	6	-	102
27	Sage Homes RP Limited	95	53	-	42
36	West Kent Housing Association	78	49	5	24
30	Sanctuary Housing Association	72	71	-	1
18	London & Quadrant Housing Trust	63	50	-	13
6	Blackburn YMCA	34	-	34	-
33	The Riverside Group Limited	30	-	30	-
23	Parasol Homes Limited	26	-	26	-
24	Places for People Homes Limited	21	21	-	-
12	Hatton Housing Trust Limited	16	16	-	-
5	Anchor Hanover Group	14	-	14	-
32	The Hospital of the Holy Trinity Aylesford	14	-	14	-
26	Reside Housing Association Limited	11	-	11	-
4	Almshouse Charity of Elizabeth Smith	10	-	10	-

9	Eustace Hook and Drummond Memorial Almshouses	10	-	10	-
37	YMCA Thames Gateway	9	-	9	-
28	Sage Rented Limited	8	8	-	-
19	M&G UK Shared Ownership Limited	7	-	-	7
16	Legal & General Affordable Homes Limited	6	-	-	6
34	Tonbridge United Charity	6	6	-	-
2	A2Dominion Homes Limited	5	-	-	5
25	Places for People Living+ Limited	4	-	4	-
29	Sanctuary Affordable Housing Limited	3	3	-	-
7	Boorman's Almshouses	2	-	2	-
10	First Priority Housing Association Limited	2	-	2	-
3	Advance Housing and Support Limited	1	-	-	1
13	Home Group Limited	1	-	1	-
17	LiveWest Homes Limited	1	-	-	1
1	Tonbridge and Malling Borough Council	0	-	-	-

Annex 3

Completion time	Registered Provider name	Current housing stock in Tonbridge and Malling Borough	Of the total housing stock, how many homes are Shared Ownership?	Of the total housing stock, how many homes are rented?	Of the total rented stock how many are Social Rent?	Of the total rented stock how many are Affordable Rent?	Please provide a Housing stock dataset by address (including postcode) with tenure, rent type, property type and size information by email to gillian.aylett@tmhc.gov.uk	Occupancy Information - please provide occupancy rating information to show how many homes you have under-occupied, how many are overcrowded and how many meet the standard	How many voids have you had over the last financial year 2024-2025?	How many voids were there as at 31 March 2025?	How many properties have been let in the last financial year? Please include all lets, for true voids and non true voids	Of these lets, how many were let through Local Authority nomination?	Of these lets, how many were through direct by your organisation, let, management moves or mutual exchanges?	If you have an active local lettings plan (LLP) in the Borough please provide information on the application of the plan to lets, re-lets, sales and re-sales	Please provide any documents summarising LLP application e.g. shared ownership sales summary showing the local commission of buyers by email to gillian.aylett@tmhc.gov.uk	What is your approach to rent conversions?	How many ASB cases were logged during financial year 2024-25?	Please provide information about the type of ASB cases with numbers	How many ASB cases were closed during the financial year and what was the associated outcome?	Customer contact information - please provide a brief outline of if you have a resident satisfaction score monitoring in place, what is your latest score? the number of customer contact cases across the last financial year and satisfaction information			
17/10/25 11:46	Tonbridge United Charity	6	0	6	6	6	No	all occupied	none	none	6	n/a	n/a	n/a	No, I don't have any supplementary information	n/a	0	0	n/a	n/a	n/a		
21/10/25 15:28	Sage Homes	125	43	82	0	82	Yes	all meet the standard as far as we are aware	please see quarterly returns	please see quarterly returns	please see quarterly returns	all, unless otherwise agreed	all direct or through MX	All vacancies notified to TMBC for nominations from TMBC	No, I don't have any supplementary information	The indexation is specific to each lease	94.3	per thousand			Our national score is 88% for rental and 59% for shared ownership customers. Housing Customer Satisfaction - Random 69.7% Housing Customer Satisfaction - Transactional 65.5% Clarion Response Customer Satisfaction - 90.489 Random surveys are based on customers who have had no recent transactions with Clarion. The questions asked related to: •Maintenance of grounds and communal areas •Safety & Security of customers' property Transactional surveys are based on customers who have had recent transactions with Clarion. The questions asked related to: •Helpfulness of staff •Efficiency of staff •Staff keep customers informed •Quality of the work carried out •Reliability of appointments •Helpfulness of contractor •Meeting the deadline for the completion of the repair •The safety of the property work is carried out "		
23/10/25 17:20	Clarion	7243	393	6617	5772	845	Yes	Unable to provide data	382	126	268	166 plus 37 failed nominations	102 (incl failed nominations let elsewhere)	Kings Hill (new build)	No, I don't have any supplementary information	Unable to provide data	489		Domestic abuse 330, offensive behaviour or gestures 325, verbal abuse 328, drug taking 281, criminal damage 239. This is our top 5 most common types of ASB	487	14 cases - Nuisance stopped - 7, Not Validated as ASB - 2, Withdrawn or no further action evidence - 3	Official data from the last financial year, sourced from the TSM submission for the West Kent area (which includes Tonbridge & Malling), shows that a total of 524 customers participated in a telephone or online survey. Of these, 309 responses were from LCRA residents and 215 from LCHO residents.	
24/10/25 11:36	Moat Homes Ltd	894	422	381	198	183	Yes	TBC	79 - 31 were new build homes	33 - 30 General Needs, 2 Retirement Living and 1 Supported	50	TBC	6 Mutual exchanges	TBC	Yes, I will send supplementary information	Not currently actively doing any	16		Noise - 2, Verbal Abuse - 5, Alcohol - 1, Garden Nuisance - 1, Litter/Rubbish - 1, Physical Violence - 2, Options exhausted/lack of evidence - 3		The overall combined satisfaction score for TSMs in the last financial year, covering the specific geographical area, was 63.6%. When broken down by tenure, the satisfaction scores were: Over: 63.6%, LCRA: 75.2% and LCHO: 46.4%		
24/10/25 15:10	First Priority Housing Association	1	0	1	0	0	Yes	100% occupancy	0	0	0	0	0	N/A	No, I don't have any supplementary information	N/A	0	0	0		This year's Tenant Satisfaction Measures survey not yet completed	Both tenants reported they were Happy across all scores	
24/10/25 15:45	Riverside Housing Group	30	0	30	30	0	Yes	All meet standard	5	0	5	0	0	New relets applied for an available property but not within Riverside	N/A	No, I don't have any supplementary information	All affordable rent - housing for older people paid either monthly or weekly	0	N/A	N/A		not available at this level	not available at this level
27/10/25 14:01	Town and Country Housing	394	80	314	102	209	Yes	101 under and 1 over	37	9	29	26	3	no	No, I don't have any supplementary information	No plans for AR to social	YTD 19	6 safeguarding 4 noise - main reasons	14	1 Physical violence (other than recorded elsewhere), 1 Litter/Rubbish/Fly tipping, 1 Criminal Behaviour (other than recorded elsewhere)	Unable to provide for Tonbridge and Malling alone - 84% resolved in total in 2024/25	77.6%	
28/10/25 11:27	Golding Homes	189	0	189	164	25	No	Unable to provide for Tonbridge and Malling alone	11	9	4	2	2	TBC	No, I don't have any supplementary information	TBC	3				Overall Satisfaction TSM score - For all LCRA customers not just Tonbridge and Malling = 68.6%		
04/11/25 12:37	mhs homes group	114	19	95	0	95	Yes	11.4.26% Overcrowded, 91.49% meets standard and 4.26% under-occupied	4	0	63	63	0	N/A	No, I don't have any supplementary information	We do not undertake rent conversions we will not know more until after the Autumn Statement at the end of this	0						
06/11/25 11:12	Sanctuary Housing Association	74	0	74	69	5	Yes	1 Let that meets the standard	1	none	1	1	0	n/a	No, I don't have any supplementary information	1 Prostitution / Sexual Acts / Kerb Crawling	1	1 - Resolved		Surveyed 2 customers for TSM - and 12 responsive repairs			

Completion time	Registered Provider name	How many complaints have been recorded in the last financial year?	Please provide a summary of complaint outcomes	How many repairs were completed in 2024-25? Please breakdown by major and minor where possible	How many repair requests from residents were recorded in 2024-25?	Of the repair cases recorded in 2024-25 how many were fixed on first visit?	What is your Gas safety compliance rate?	What is your Fire Safety compliance rate?	What is your Electrical compliance rate?	How many new homes did you deliver during 2024-25? Please provide tenure	Please email information on new homes delivered to gillian.aylett@tmbc.gov.uk please provide information by development name and include tenure, property type and size and rent type, and whether S10	How many new Shared Ownership home sales were there in 2024-25? Please provide tenure	Of which, how many new Shared Ownership homes were sold to first time buyers?	How many Shared Ownership owners staircased to outright ownership during the year 2024-25?	How many Shared Ownership resales were there in 2024-25?	Of the resales, how many Shared Ownership resales were sold on a shared ownership basis? And how many were sold on the open market no longer as Shared Ownership?	What is your delivery pipeline in Tonbridge and Malling?	What are your key site requirements for new developments? e.g. minimum number of units, tenure mix or key points relating to S106 agreements
17/10/25 11:46	Tonbridge United Charity	0 none received		7 minor, 1 major	8	7	not known - boilers serviced 11.08.25, landlord gas safety records held	not known - KFRS visited all residents January 2024	not known - EICR completed December 2023	n/a	No - we have not delivered any new homes in the last financial year	n/a	n/a	n/a	n/a		0 for all 6 properties to continue to be occupied	n/a
21/10/25 15:28	Sage Homes	We don't hold this information by borough - the number of complaint was 0 21.5 per thousand homes		We don't hold this information by borough			99.97	99.77		22 - 21 AR and 1 SO	No - we have not delivered any new homes in the last financial year	1					0	
23/10/25 17:20	Clarion	The following has been identified to improve future service delivery and customer satisfaction: Follow Policy and Procedure. Keep customers informed. Monitor follow-on-works. Resolve issues within the SLA. Attend all appointments.	17,995 - Unable to categorise into major and minor, as responsive repairs have not previously been classified in this way.	20,626	78.94%	99.82%		All areas 100% with the exception of fire alarm (quarterly) being 94.74%	98.94%	There were no new homes delivered in T & M in 2024/25.	No - we have not delivered any new homes in the last financial year	0	0	2	22		"The pipeline is as follows: *East Malling Garage Sites - 13 x homes for rent across four garage sites; target SoS Feb-25 (currently in contract negotiation stage). *St George's Court, Wrotham - 37 x homes for rent and SO; contract let and demolition complete, ready to commence full works on receipt of planning clarifications. *Lower Hayden Lane, Tonbridge - on site and delivery new homes, current forecast as follows but do not that programme under review and later homes will come forward 22 (we will continue to keep T & M updated): "	*key requirements are as follows: *Minimum scale 50 homes (which could be a mix of S106 and additionality) *Tenure mix as prescribed by S106 or in line with HE funding programmes (expected to be a mix of SR and SO moving forwards) *S106 requirements - adequate mortgage in possession exclusion clause oHE nomination requirements of 100%/75% oAdditionality sits outside of S106 provisions to enable charging at full levy and not restricted to EUV
24/10/25 11:36	Moat Homes Ltd	41 related to repairs where we had a failing contractor, 4 due to poor communication and the others were service failure or contractor related. Only 1 of these was not upheld.	59	2859	2454	We don't record how many we publish % - rate for last year was 85.08%	99.80%	100%	99.96%	51 Affordable Rent & 16 Shared Ownership	Yes - I'll provide delivery information	16	15	5 to 100% and 3 Partial staircasings	17		We have 89 homes in the pipeline at Winterfield Lane and Kings Hill. 80 of these have been delivered in 25-26 and the remaining 9 homes are due to complete in 16 November	
24/10/25 15:10	First Priority Housing Association	0 N/A		6 - all minor	0	6	Expires September 2026	Fire Alarm servicing expires February 2026	Fixed wire testing expires September 2028	0	No - we have not delivered any new homes in the last financial year	0	0	0	0		0 No new units planned	N/A
24/10/25 15:45	Riverside Housing Group	Communal area - standard of workmanship - resolved 10/09/2024 Leslie Tee Court - incomplete repair - 2 resolved 13/12/2024	103	118	79	N/A	100% (17/1)	94% (29/31)	0	No - we have not delivered any new homes in the last financial year	N/A	N/A	N/A	N/A	N/A		0 0	Generally we are now only looking at schemes with a minimum of 100 units with location being more of a key factor that it was before and ensuing we have existing stock in the area.
27/10/25 14:01	Town and Country Housing	578 Unable at local level	30000	30000	70%	100%	100%	100% in 10 years and 98% in the last five years	0 in TMBC	No - we have not delivered any new homes in the last financial year	0	0	0	14		1 0 currently on site	Cover at the meeting on Wednesday	
28/10/25 11:27	Golding Homes	Unable to provide for Tonbridge and Malling alone - 96.6% upheld rate 24 overall	Unable to provide for Tonbridge and Malling alone without further investigation	Unable to provide for Tonbridge and Malling alone without further investigation	Unable to provide for Tonbridge and Malling alone without further investigation	100%	100%	100%	0 in Tonbridge and Malling	No - we have not delivered any new homes in the last financial year	0 in Tonbridge and Malling	0 in Tonbridge and Malling	0 in Tonbridge and Malling	0 in Tonbridge and Malling	0 in Tonbridge and Malling			Our preferred scheme size is 25-30 units and we prefer a 60% Affordable Rent to 40% Shared Ownership tenure mix, less flats more family housing would be our preference. Flats are proving more difficult to sell, even in town centre locations. For any Shared Ownership units, houses are definitely preferable, 2 and 3 beds ideally but we are getting some enquiries for 4 beds. 4 beds would need to be low numbers and there is a real balance in affordability as the values can become prohibitive in terms of affordability but at the same time Shared Ownership may be the only affordable option for people seeking a 4 bed. It would also help us to take sites forwards, if consideration was given to updating S106 wording to recognise mhs as an affordable housing provider.
04/11/25 12:37	mhs homes group	Upheld - complaint about the length of 1 time to complete a flooring repair	430 responsive repairs completed - we do not categorise our responsive repairs as major or minor, only by target timescale	421	100%	100%	98.93%	63 - 58 Affordable and 5 Shared Ownership	Yes - I'll provide delivery information	5	3	0	0			6 shared ownership homes at DeHavilland Place		
06/11/25 11:12	Sanctuary Housing Association	2 - don't have outcomes, 2 Not Upheld, 7 3 Upheld	163 - 9 Majors 154 Minor	tbc	We do not calculate this metric	97.33%	Not applicable no blocks in area	100%	We have not delivered any new homes	No - we have not delivered any new homes in the last financial year	0	0	0	0		0 We don't have any other pipeline developments in this borough	We don't have any other pipeline developments in this borough	

2024 25 stock reported through data form

Registered Provider name	Sum of Current housing stock in Tonbridge and Malling Borough	Sum of Of the total housing stock, how many homes are Shared Ownership?	Sum of Of the total housing stock, how many homes are rented?
Clarion	7243	393	6617
First Priority Housing Association	1	0	1
Moat Homes Ltd	894	422	381
Riverside Housing Group	30	0	30
Sage Homes	125	43	82
Tonbridge United Charity	6	0	6
Grand Total	8299	858	7117

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Housing and Planning Scrutiny Select Committee

17 March 2026

Part 1 - Public

Matters for Information



Cabinet Member	Robin Betts, Cabinet Member for Housing, Environment and Economy
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Regulatory Services
Report Author	Jason O'Brien, Housing Improvement Manager

Renters Rights Act 2025

1 Summary and Purpose of Report

1.1 This report provides an overview of the key changes introduced by the Renters' Rights Act 2025 and sets out the implications for the Council's responsibilities in regulating and supporting the private rented sector (PRS). It outlines the forthcoming implementation timetable, highlights new duties for landlords and local authorities, and seeks to ensure the Council is prepared for the phased introduction of the reforms.

2 Corporate Strategy Priority Area

2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.

2.2 The measures set out within this report contribute directly to improving housing options for local people by ensuring that private rented homes are safer, more secure, and better managed under the Renters' Rights Act. Strengthened enforcement powers and clearer standards will help raise the quality of accommodation available across the district, supporting residents to access and maintain suitable homes that meet their needs.

2.3 By promoting compliance and tackling hazardous properties, the proposals also help reduce pressure on wider neighbourhoods and outdoor areas of importance. Improved housing conditions can lessen incidents of waste, vandalism, or environmental degradation linked to unmanaged or insecure accommodation. Together, these actions support the Council's commitment to enhancing local housing choices while safeguarding the character and quality of our shared outdoor spaces.

3 Introduction and Background

- 3.1 The Renters' Rights Act 2025 represents the most significant reform of the PRS in several decades. Receiving Royal Assent on 27 October 2025, the Act delivers the Government's commitment to transform the experience of private renting by strengthening tenant security, modernising tenancy frameworks, and enhancing local authority powers.
- 3.2 The Act introduces a phased programme of reforms, supported by a national implementation roadmap published by the Ministry of Housing, Communities and Local Government (MHCLG). These reforms will gradually replace existing tenancy structures, improve standards, and expand regulatory responsibilities across the sector.
- 3.3 Key measures within the Act include:
- Abolition of Assured Shorthold Tenancies (ASTs) and Section 21 "no-fault" evictions, with all new and existing tenancies converting to assured periodic tenancies once the regime takes effect.
 - Landlords must give specific reasons to reclaim a property, achieved by reforming possession processes under Section 8 of the Housing Act 1988. This includes new and expanded mandatory and discretionary grounds.
 - Restrictions on rent increases, limiting landlords to one rent increase per year following the statutory Section 13 procedure.
 - Prohibitions on rental bidding and advance rent, preventing landlords or agents from encouraging or accepting offers above the advertised rent and capping advance rent at one month.
 - Enhanced tenant protections, including bans on discrimination against renters with children or those receiving benefits, and a statutory right for tenants to request consent for pets, with refusals requiring valid justification.
 - Strengthened local authority enforcement powers, including expanded investigatory powers which took effect in December 2025.
 - Creation of a national PRS Database and a PRS Landlord Ombudsman, which will become mandatory during Phase 2.
 - Long-term application of the Decent Homes Standard to the PRS, planned for the mid-2030s.

3.4 The reforms are being introduced in three main stages:

3.4.1 Preliminary Stage – 27 December 2025:

- Local authorities given new investigatory powers, including extended rights of entry and document requests. Under these new powers, the Council can formally demand documents, compel information to be required, enter and inspect business premises, apply for warrants, seize records, and, in certain situations, enter rented homes to investigate breaches of housing law. These powers are designed to support enforcement against illegal eviction, poor housing conditions, non-compliance with regulatory duties, and other statutory offences in the private rented sector.

3.4.2 Phase 1 – 1 May 2026:

- Abolition of Section 21 and the introduction of assured periodic tenancies as the default tenancy type.
- Rent increase restrictions, discrimination bans, rental bidding prohibitions, and the new statutory framework for tenant pet requests all take effect.
- Landlords must provide tenants with the Government's Information Sheet and written tenancy terms by 31 May 2026.

3.4.3 Phase 2 – Late 2026 to 2028:

- Gradual rollout of the PRS Database and Ombudsman service, with full Ombudsman membership expected by 2028.

3.4.4 Phase 3 – Mid 2030s:

- Introduction of the Decent Homes Standard across the PRS.

4 Policy changes

4.1 A key area identified for development is a dedicated landlord-legislation enforcement policy. The Act places significant duties on Councils that fall outside the scope of the existing Regulators' Code, which means generic enforcement policies are no longer suitable. A purpose-built policy will ensure councils can apply the new enforcement powers lawfully, consistently, and with the necessary emphasis on tenant protection.

4.2 The Association of Chief Environmental Health Officers has offered to support Councils by developing and branding a suite of new policies for the Renters' Rights Act 2025. This work recognises the scale of change facing local authorities as enforcement responsibilities expand, and aims to provide councils with clear, practical policy frameworks that can be adopted with minimal local adaptation.

- 4.3 While recognising that each Council remains sovereign in its decision-making, the Association notes that significant local variation in how policies are applied may negatively impact tenants and risk perpetuating a postcode lottery in enforcement outcomes. Councils are therefore encouraged to prioritise consistency and alignment with statutory guidance when adopting local policies, ensuring that tenant needs remain central to decision-making.
- 4.4 The Association also recommends the adoption of a standardised civil penalty policy aligned with national guidance. This policy is expected to mirror the current “Justice for Tenants” model widely used across the sector, providing a clear and transparent framework for issuing financial penalties under the new regime. A consistent approach will help ensure fairness for landlords while enabling effective action against non-compliance.
- 4.5 A further priority is the creation of a debt-recovery policy suitable for use by all housing authorities. Only a small number of councils currently operate policies capable of recovering civil penalty income effectively, with many authorities losing around half of outstanding debt due to delays within court, tribunal, and recovery processes. A national “lift-and-shift” model would allow councils to adopt a robust and reliable approach without each authority needing to develop its own system from scratch.

5 Reporting requirements

- 5.1 Over the past year, several Councils have taken part in the government’s voluntary data collection on PRS enforcement, introduced in 2025. This initial phase has enabled authorities to understand how well their existing systems capture enforcement work and where improvements are needed. The government designed this voluntary stage specifically to prepare councils for the forthcoming statutory Duty to Report under the Renters’ Rights Act.
- 5.2 A clear lesson from the voluntary return is that Councils record enforcement activity in different ways, often using different definitions or separate systems. This makes it difficult to produce a consistent national dataset and highlights the need for councils to standardise how PRS work is logged.
- 5.3 The voluntary data collection has also shown that some information, particularly around workforce capacity, is not routinely held or is dispersed across teams. Understanding staffing levels and enforcement resources will form an important part of the statutory return.
- 5.4 The Government has now confirmed that the voluntary collection will be replaced by a mandatory reporting system once the Renters’ Rights Act comes into force in 2026. At that point, Councils will be legally required to submit regular, standardised data on PRS enforcement, including team size, enforcement activity, outcomes, and tenant support. This expanded dataset is intended to improve

transparency and strengthen national oversight of how councils deliver the new duties set out in the Act.

- 5.5 These reporting requirements sit alongside wider reforms. From 2026, Councils will have a strengthened duty to investigate suspected breaches of housing legislation, shifting PRS enforcement from a discretionary service to a clear statutory obligation. Later in 2026, a new national Property Database will also be introduced, which is expected to become a key intelligence source and may link with the mandatory reporting system in due course.
- 5.6 Members should note that moving to mandatory reporting will require operational changes. Councils will need to ensure that case management systems can capture the required data, that internal processes are consistent, and that staff are trained to record enforcement activity accurately.

6 Next steps

- 6.1 The implementation of the Renters' Rights Act will have a noticeable impact on the way the Housing Service operates day to day.
- 6.2 It is anticipated that there will be a shift in landlord behaviour in the lead up to implementation of phase 1, with some landlords exiting the PRS ahead of the reforms. This could lead to a short-term increase in approaches from households served with notices, particularly households with complex needs and families.
- 6.3 At the same time, landlords who remain may become more risk averse. This could make it harder to secure private rented properties for our applicants and may put additional pressure on temporary accommodation. Stays in temporary accommodation may even lengthen if fewer privately rented properties are available to accept households with more complex needs, albeit our placement rate into the private sector is low at present.
- 6.4 It is likely that homelessness prevention work will become more extended, as landlords will now be required to seek possession through the courts under prescribed grounds. This process will take longer and will also provide the Council with clearer information on the reasons for the landlord's claim for possession. This greater transparency will create opportunities for the Council to engage with both landlord and tenant to explore options for sustaining the tenancy and preventing homelessness.
- 6.5 Work is underway to review the existing policies, update procedures, strengthen the private rented offer to both potential landlord and tenants, and ensure that key messages are shared consistently across the Council.
- 6.6 Officers are undertaking relevant training and make use of any available guidance and learning opportunities. This preparation will help ensure the Council is confident and consistent when the various stages of the legislation go live.

- 6.7 It is understood that IDOX is involved in discussions with MHCLG regarding the Duty to Report and its impact on its case management system and relevant officers will support this development to ensure that the Council can utilise its current software system to manage reporting.
- 6.8 Officers will now progress actions related to the above to deliver against the 2026/27 Annual Service Delivery Plan project to implement the requirements of the Renters' Rights Act. Where these require Member decisions these will be reported via the relevant committees.

7 Other Options

- 7.1 Meeting the requirements of the Renters' Rights Act is a statutory requirement and whilst there will be options to consider regarding some elements of implementation, there is no option not to deliver against the legislative mandate.

8 Financial and Value for Money Considerations

- 8.1 The Council received £25,281.76 for new burdens funding in 2025/26. To date there has been no spend against this however it is anticipated that it could cover training, promotion etc. It has recently been confirmed that the new burdens funding for 2026/27 will be £57,197 and for 2027/28 £26,931. This could be utilised for staffing if it is established that this is required.

9 Risk Assessment

- 9.1 The implementation of the Renters' Rights Act presents several operational and strategic risks for the Council.
- 9.2 The Council anticipates an increase in demand for housing related services as well as on those services supporting Housing. For example, it's likely there will be an increased demand for legal support due to the new enforcement duties.
- 9.3 Pressures on temporary accommodation: The transition to assured periodic tenancies and the removal of Section 21 may lead to short-term instability in the PRS as some landlords exit the market ahead of the reforms. This could increase approaches from households facing eviction, placing additional demand on temporary accommodation. Reduced availability of suitable PRS properties may also lengthen temporary accommodation stays, particularly for households with complex needs.
- 9.4 Challenges Accessing the Private Rented Sector: Landlords who remain in the sector may become more risk-averse, making it harder to secure PRS placements for prevention and relief cases. This may limit housing options for applicants, increase caseload complexity, and reduce the Council's ability to move households on from temporary accommodation in a timely manner.

- 9.5 **Reporting Requirements and Data Management:** The shift to mandatory reporting from 2026 requires consistent and accurate recording of enforcement activity. There is a risk that existing systems and processes may not yet be fully capable of capturing the required dataset, which could affect the Council's ability to meet statutory reporting deadlines. Additional staff training and process standardisation will be necessary to mitigate this risk.
- 9.6 **Dependence on IDOX System Development:** The Council's ability to comply with the new Duty to Report and expanded investigatory responsibilities is dependent on the timely development and deployment of the necessary case management functionality by IDOX. Any delays or limitations in system changes could impact data quality, operational efficiency, and statutory compliance.
- 9.7 **Timing for Introducing New Enforcement Policies:** The Council aims to adopt new enforcement, civil penalty, and debt-recovery policies that reflect the strengthened statutory framework. There is a risk that policy development and Member approval may not align with the implementation timetable. Without these policies in place, the Council would be limited in its ability to meet its new duties or exercise its new powers consistently and lawfully.

10 Legal Implications

- 10.1 The Renters' Rights Act introduces a significantly stronger statutory framework around private rented sector enforcement, and councils will be legally required to comply with new duties once the Act comes into force in 2026. Most notably, the current discretionary approach to investigating housing related complaints will be replaced by a clear legal duty to investigate suspected breaches. Failure to meet this duty could expose the authority to challenge, including the risk of judicial review where the Council is found not to have acted reasonably, promptly, or in line with the statutory expectations set out in the Act.
- 10.2 The Act establishes a mandatory Duty to Report, requiring councils to submit standardised and accurate PRS enforcement data prescribed times. The Council must be able to demonstrate reliable systems, consistent data capture, and robust governance arrangements. Inaccurate or incomplete returns could result in compliance notices from government, reputational risk, and potential intervention if failures are persistent.
- 10.3 The introduction of the national Property Database later in 2026 also brings legal expectations around data integrity, information sharing, and responsible handling of personal and property information, all of which will require clear internal processes and staff training.

11 Consultation and Communications

- 11.1 The Housing Service is working with colleagues in Media & Communications to raise awareness of the forthcoming changes. This includes:

- Updates to the website, encouraging residents to approach the Council as early as possible when issues arise with their tenancy. This gives the Council more time to support with preventing homelessness.
- A communication plan which includes a campaign to raise awareness with letting agents in the borough.

11.2 The opportunity to provide a landlord forum with a focus on the Renters Rights Act is being explored with our West Kent local authority partners and the National Residential Landlords Association.

12 Implementation

12.1 A cross-directorate group involving Housing, Legal Team, Customer Services, Transformation and Media & Communications are meeting to coordinate the Council's preparation.

13 Cross Cutting Issues

13.1 Climate Change and Biodiversity

13.1.1 None

13.2 Equalities and Diversity

13.2.1 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.

Background Papers	None
Annexes	None

Action Plan - PAS Review – update March 2026

Action No.	Recommendation	Action	When	Owner	Progress Update
R1.	<p>Embed strategic leadership, vision and culture</p> <p>Build on the updated Corporate Strategy by working with the planning teams and members to better articulate how planning supports the ambition and long-term vision in the Corporate Plan. The involvement with the Chief Executive, Leader and Cabinet Member is important in this process to foster a culture of trust, collaboration, and strategic thinking within the Planning Service.</p>	<p>Organise a ‘check in’ session with Leader, Cabinet Member, Area Planning Committee Chairs, CE, DPHRS and Head of Planning to review this action plan and consider additional actions/communications.</p>	March 2026	DPHRS	<p>Meeting organised and taking place w/c 23 February</p> <p>Plan to meet quarterly/as needed</p>
R2.	<p>Enhance governance and delivery capacity</p> <p>Introduce a programme of training for middle management within the Planning Service to increase their skills and awareness in delivering the corporate ambitions of the wider council. This should provide these key individuals with better confidence to deliver the ambitions set out in the emerging Local Plan.</p>	<p>Corporate programme for middle management already being developed – identify relevant Planning staff to attend this.</p> <p>Set one off individual meetings for DPHRS/HOP to meet with relevant Planning staff to talk about career and skills development.</p> <p>Via Team Leader meetings, the middle management within the Planning Service will be responsible for reviewing and monitoring this action plan. The meetings will be held at least monthly and will have a rotating Chair to empower these staff and provide an opportunity to develop skills within their own working environment.</p>	<p>TBC</p> <p>Jan/Feb 2026</p> <p>Nov 2025</p>	<p>HR via HOP</p> <p>DPHRS</p> <p>DM</p>	<p>Program being developed by HR and key middle manager staff identified to attend training program. Also reviewing extra training options via RTPI/PAS.</p> <p>E-mail sent to all Planning staff and career development meetings booked in.</p> <p>First meeting already held with monthly meetings booked in for next six months.</p>
R3 & DM11	<p>Rebuild member-officer relationships</p> <p>Invest in targeted member development and joint officer-member working initiatives and training opportunities to reduce the “us vs them” dynamic. Promote shared ownership of the Local Plan and democratic decision-making. This can be carried out in different ways and could include: learning from experience discussions from appeal decisions and other contentious planning decisions; a joint exercise to review the format of officer reports; and chair of planning committee “meet the staff” sessions.</p>	<p>Links to DM11.</p> <p>(i) Development Manager and Team Leaders will develop a programme of workshop sessions (via their meetings above) to discuss with Area Planning Chairs and Vice Chairs</p>	From February 2026 onwards	DM	<p>See R12 where action sits.</p> <p>The Development Manager is currently arranging the first workshop session which will focus on Planning Committee Report format.</p> <p>Second workshop session – Chairs and Vice chairs will be asked to meet the planning staff on a convenient day. Arrangements for this are currently being worked through. Also considering an organised visit to a neighboring Planning Authority with the Chairs/Vice Chairs to view a Planning Committee in action.</p>
R4.	<p>Review of the service structure</p> <p>To strengthen the effectiveness of the current Planning Service, a review of the current staff structure is required to address existing skills deficiencies—particularly in the areas of heritage and design support, which are increasingly critical to good planning outcomes.</p>	<p>Consider Heritage/Design/Landscape and other skills as part of wider service structure review, to be carried out by May 2026 and implemented by October 2026 and progress on the Action Plan be added to each H&P as a standing item. This will include considering options to work on a partnership basis with neighbouring authorities.</p> <p>Include a specific review of Business Support Manager role and</p>	From Dec 2026	HOP	<p>Work on the review of the service structure is underway, however discussions with neighboring authority already providing Conservation and Heritage advice are underway to increase this within their team to ensure the postholder has peer support.</p> <p>We have also been successful in our bid for a Graduate Planner under the Pathways to Planning scheme, which has provided the majority of funding for this post.</p>

	<p>There are opportunities within the service to better support Planning Officers and build capacity without exceeding the existing budget envelope. This could be achieved through a strategic redesign of roles and responsibilities. For example, the Technical Team, which is relatively large for a service of this size, could be better utilised to provide broader support across the service. Additionally, the Business Support Manager post is a valuable resource that is currently underutilised. A clearer alignment of this role with service needs could significantly enhance operational efficiency and coordination.</p> <p>This review should be approached with a view to maximising internal talent, improving service resilience, and ensuring TMBC is equipped to meet both current and future demands.</p> <p>As part of the wider review of the Planning Service, the Business Support Manager role presents a valuable opportunity to strengthen operational delivery and strategic oversight. A focused review of this post will enable TMBC to assess its alignment with service needs and unlock its potential to support key functions more effectively.</p>	<p>Technical Team capacity and skills, alongside implementation of validation software and move of front-line calls to the Customer Service team.</p>	<p>From Nov 2025</p>	<p>HOP</p>	<p>In order to ensure the review of the service structure is not carried out in a piecemeal fashion, a comprehensive report setting out all anticipated changes including those required to implement the Building Safety Levy will be brought forward to Members in spring/summer 2026.</p>
<p>R5.</p>	<p>Pre-application service</p> <p>In particular, this review should include a comprehensive evaluation of the Pre-Application and Planning Performance Agreement (PPA) service, using the PAS guidance as a benchmark. This is a critical area where improved structure, performance monitoring, and customer value can significantly enhance planning outcomes.</p> <p>By refining this service, there is the opportunity to:</p> <ul style="list-style-type: none"> • Address current gaps in performance and consistency. • Introduce a robust performance management system to assess effectiveness and ensure accountability. • Reinforce the value of the PPA and pre-application process to developers, members, and residents. • Generate additional income to support service delivery and capacity building. 	<p>Review to be undertaken by relevant staff in consultation with Cabinet Member for Planning and Chair of H&P with specific actions implemented for new financial year.</p>	<p>By Mar 2026</p>	<p>DM</p>	<p>The DM is currently reviewing the PAS checklist and scoring against the checklist to establish how our current pre-application service operates against the PAS recommendations.</p> <p>Once this has been completed, recommendations will be made for any necessary changes and these will be discussed with the Cabinet Member for Planning and the Chair of H&P.</p>

	<p>This approach will also help ensure that the service is transparent, responsive, and aligned with the Council's broader growth and regeneration objectives. It is essential that any enhancements are embedded within a framework that supports member and resident oversight, while also delivering a high-quality, commercially viable Planning Service.</p> <p>By refining this service, there is the opportunity to:</p> <ul style="list-style-type: none"> • Address current gaps in performance and consistency. • Introduce a robust performance management system to assess effectiveness and ensure accountability. • Reinforce the value of the PPA and pre-application process to developers, members, and residents. • Generate additional income to support service delivery and capacity building. <p>This approach will also help ensure that the service is transparent, responsive, and aligned with the Council's broader growth and regeneration objectives. It is essential that any enhancements are embedded within a framework that supports member and resident oversight, while also delivering a high-quality, commercially viable Planning Service.</p>				
R6 & DM10	<p>Planning software transfer As part of the ongoing transfer of planning software from Agile to IDOX Uniform, ensure that all staff are engaged in testing the software to confirm that it meets the requirements of all staff within the Planning Service who will need to use the software. This should include a learning through</p>	<p>TMBC considers this action to already be largely completed – this is evidenced the audit undertaken on the previous project, the creation of a Service Transformation Manager role to specifically manage these issues for the return to IDOX and the agreement of specific JD insertions for key staff to be given responsibility have also been actioned. The communication and engagement approach for the project is now embedded.</p>	By January 2026	STM	Complete
R7.	<p>Parish council and other community engagement Create a stronger relationship with parish councils and other community groups so that TMBC can maximise the local knowledge and expertise from within the local community whilst managing the expectations in delivering the Government's wider growth targets. A practical example of achieving this would be through the local community support in preparing a local list and conservation area management plans. This</p>	<p>This will be included in the 2026/27 Annual Service Delivery Plan.</p>	26/27	PPM	<p>This has been included within the Annual Service Delivery Plan. Brief is currently being drafted for Conservation area work and due to go tender in early March.</p>

	will ensure the local community can have a clear role in bringing forward a Local Plan that properly respects the heritage of the local area.				
R9.	Community engagement in the Local Plan process Ensure that the local community is empowered to engage positively in the Local Plan process. This should ensure there are clear messages from the senior leadership in the council about the growth agenda that needs to be delivered at TMBC, whilst articulating how the community can engage in a meaningful and timely way.	TMBC can evidence that this is underway through communication with key groups such as Parishes/MPs/interest groups, a leaflet drop to the whole borough etc	Ongoing until December 2026	HOP	Underway - as evidenced through Regulation 18 consultation engagement. We achieved almost 80% engagement through our consultation platform and the results of the Reg 18 consultation will be reported to H&PSSC.
R10 & DM 7	Development and agents' forums Engage with developers and local agents in a more structured way. This should take the form of developer and agents forums so that the development community has a channel for finding out about key initiatives taking place at TMBC, such as key stages in the Local Plan process. The forums should also be used to improve performance and customer service and create a collaborative environment whereby the development community can help improve the Planning Service provided by TMBC.	This will be included in the 2026/27 Annual Service Delivery Plan. There will be two tiers to this – one will be a DM focused agents/developer forum and the second will be a strategic development forum that will include Planning, Housing, Economic Development.	26/27	DPHRS/DM	This has now been included in the Annual Service Delivery Plan for 26/27. Due to delays in data transfer from Agile to Uniform, where it has not been possible to extract contact details for agents, there has been a delay in setting up the meetings, however DPHRS and DM are working up proposals to progress these meetings in early Summer.
R11.	Connections with wider partnerships Ensure that the Planning Service is in the best possible position to engage in local government reorganisation by improving its involvement in existing wider partnerships. For example, the Planning Service would benefit from greater involvement with the local Chamber of Commerce, Kent Nature Partnership, the Kent Association of Local Councils and joint planning initiatives involving neighbouring authorities.	Programme of meetings for DPHEH and HOP to meet with relevant contacts for introductory meetings, followed up by Planning attendance at existing partnership meetings.	By summer 2026	HOP	Link to R10 and DM7 A meeting has been set with the Economic Regeneration Manager to discuss the best ways to engage with wider stakeholder partners. The Economic Regeneration Manager already engages with most of these parties and it is considered that this may be best achieved through engagement via the Strategic Developer Forum (see R10 and DM7 above)
R12.	Member and officer planning committee learning Undertake a joint training programme with officers and members to learn from other best practice councils in running planning committees. This should involve discussing different approaches to running planning committees and how they impact on planning outcomes. Through this joint learning TMBC should review its current planning committee protocol so that it meets the requirements set out by Government whilst also addressing the priorities for TMBC. Reference should be made to the	Develop a 26/27 training programme for Members and Officers, including constitutional matters. This will consider use of external resources to deliver some training sessions.	26/27	DM	The HOP and DM are currently working through a programme of training for Members and Officers which will include; <ul style="list-style-type: none"> • Green Belt workshop • Design workshop • BNG workshop both practical and one for the legal side. • Appeals workshop to cover R13 below Planning committee management – potentially via PAS

	PAS planning committee best practice self-assessment toolkit to help the planning committee review.				
R13.	Planning appeals Introduce a learning through experience process whereby members and officers can reflect on key planning decisions made, learning from areas of best practice and avoiding, wherever possible, planning appeal overturns and costs awards. The learning should build on the current regular reporting at planning committee on appeal decisions to a more active learning approach.	Include appeal specific sessions in training programme at R12 above. This could include external trainers from PAS. Consider agenda order when appeal cases are being reviewed	As above	DM HOP	As above see R12.
R14.	Planning enforcement Build on the progress that has already been made on strengthening planning enforcement performance by creating a culture of proactive enforcement. This should involve local members in helping officers to prioritise planning enforcement activities that makes the biggest impact to areas of most concern to the local community.	A review of the Local Enforcement Plan is due to be completed in 25/26. Completion of business case for implementation of software to help manage enforcement cases and provide real time information to Members – this will be part of the ASDP.	By March 2026 Spring 2026	HOP STM	Enforcement report to be considered at the same committee as this update.
	Development Management Review				
	Short term				
DM1	Review the current forms of communication within the development management teams to understand why staff are not responding effectively to management directions and guidance.	A central database has been created and is accessible via the Teams folder, providing a single point of reference for key service information. All key communications/process/legal information are stored here. Development Management service-wide meetings will continue to take place as scheduled led by the Development Manager and his management team. Team Leaders will take an active part in these meetings, including presenting items. In addition, the Planning Officer team meetings — which are led by Team Leaders - are scheduled to occur at least once a month to support team cohesion and communication.	Complete Ongoing Ongoing	DM	Programmed every two months Difficult Planning Application meetings scheduled in from March every fortnight. Team Leaders have fortnightly meetings.
DM2	Undertake awareness training in the use of Power BI so that all staff can appreciate its use as a project management tool and to enable all managers to use it to monitor performance within the development management teams.	All staff have access to the relevant Power BI dashboards. and Team Leaders have been tasked with encouraging their teams to actively use these tools to support case management and performance monitoring. New power-bi dashboards together with training of the new Enterprise system (when operational) under Idox will be prioritised.	Ongoing	DM	This has not been progressed as awaiting Uniform migration completion and will start in April 2026

			During 2026	STM	
DM3	Review the current guidance provided to staff on their day-to-day work in development management and internal communication channels to inform staff of procedural matters. This should involve all staff to ensure it meets the needs of everyone involved in development management work	As set out in DM1 a dedicated Teams folder has been created to centralise key service information. All key communications which involve processes will be directed through this channel with Development Manager and Team Leaders responsible for ensuring it is updated regularly. This will be a standing item on service meetings to drive continuous improvement.	Ongoing	DM	Already completed.
DM4	Introduce a process for monitoring the time taken to validate applications so that there is a better understanding of how validation is impacting on performance management and procedural efficiencies.	This is an objective for the Business Manager and has been tasked as a priority for power-BI reporting following the return to Uniform.	By March 2026	PBM	This has not been progressed as awaiting Uniform migration completion and will start in April 2026
	Medium Term				
DM5	Ensure that the action plan is delivered that has involved a skills audit of all staff across the two teams to identify specialist expertise, service-relevant skills, knowledge gaps, and individual development goals. The implementation of the action plan should include all members of the service and serve as an ongoing reference point. It also presents a valuable opportunity to support future resource planning, as this work will facilitate improvements to internal communications and workload balance.	This work is already partly underway. The Planning Business Manager has been tasked with ensuring the Skills Matrix is up to date for the technical team. A similar Skills Matrix will be developed for Planning Officers and will be in place for use by managers from the 26/27 financial year.	By March 2026 By March 2026	PBM DM	Mostly completed for Technical Team Working is progressing with a skills matrix for Development Management Officers.
DM6	Review the current approach to providing pre-application advice and Planning Performance Agreements (PPAs) to create a more customer-focused service. This should be linked to a consist approach to dealing with amendments to live planning applications. The review should use PAS Guidance on Pre-Applications and PPAs	The pre-application module will be reintroduced as part of the transition back to the Uniform system.	By end of 2025	STM	Covered by R5 above
DM8	Keep the revised officer scheme of delegation under review to monitor how effective it is in allowing pressure to be taken off managers to sign-off all applications. Where appropriate this should be accompanied with further training for affected staff to ensure it is easing workload pressures and improving the quality of service to customers.	A revised Scheme of Delegation is already in place and is currently being updated to increase the resilience within the team. This flexible approach will ensure that the scheme supports service delivery without placing undue pressure on teams during periods of reduced staffing or high workload.	Ongoing	HOP	On-going action and already updated but kept under regular review.

DM9	Introduce a learning through experience process whereby the teams can learn from customer feedback, both positive and negative, so that the council can continuously learn from feedback received and improve the service it provides to customers accordingly.	This will be a standing item on the service meetings where customer feedback will be discussed and ideas for change supported.	Ongoing	HOP/DM	This is included on the DM Team Agenda as a standing item.
	Long Term				
DM11	Review officer report templates so staff can take a more proportionate amount of time to prepare officer reports. This should include streamlined reports for more straight forward decisions using the PAS Best Practice in Officer Report Writing for guidance.	See R3 above where Members will also be involved in suggested streamlining, together with a cohort of officers.	By end of March 2026	DM	DM currently reviewing templates to be implemented following Uniform migration. Starting with simpler householder application and then working to the more complicated reports.
	Additional activity Proposed by the Council				
1.	Planning Referrals	Implement a review of the Planning Referral system in the Constitution.	By March 2026	DCS	Led by Director of Central Services – report went to Full Council 24.02.26

DPHRS – Director of Planning, Housing & Regulatory Services

DCS – Director of Central Services

HOP – Head of Planning

PPM – Planning Policy Manager

STM – Service Transformation Manager

DM – Development Manager

PBM – Planning Business Manager

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Decision Taken By: Cabinet
Decision No: D260007CAB
Decision Type: Non-Key
Date: 06 January 2026

Decision(s) and Reason(s)

Planning Advisory Service - Review of the Council's Planning Service

Consideration was given to the recommendations of the Housing and Planning Scrutiny Select Committee in respect of the Borough Council's planning service following a review by the Planning Advisory Service.

Due regard was given to the views of the Committee, the financial and value for money considerations, the legal implications and the assessment of risk. Cabinet welcomed the views of the Planning Advisory Service and wider Members. In recognition of rebuilding member-officer relationships and improving engagement and communication Cabinet supported the Scrutiny Select Committee recommendation to amend R3 and R5 of the Action Plan (attached at Annex 3) to include:

- (i) Area Planning Chairs and Vice-Chairs; and
- (ii) The Cabinet Member for Planning and the Chair of the Housing and Planning Scrutiny Select Committee respectively.

Cabinet proposed some further amendments to the recommendations of the Scrutiny Select Committee that were unanimously supported:

- (iii) R3 and DM11 of the Action Plan to be amended to include a design workshop session;
- (iv) In order to monitor progress being made on delivering priorities, Recommendation (4) be amended to report progress on the Action Plan to all meetings of the Housing and Planning Scrutiny Select Committee; and
- (v) To improve efficiency in determining planning applications a review of the current process around adjournments at Area Planning Committees be undertaken.

Cllr Boughton proposed, Cllr Mehmet seconded and Cabinet

RESOLVED: That

- (1) the contents of the Planning Advisory Service Review report, including the recommendations for action, be noted;
- (2) subject to the amendments set out at (i) (ii) and (iii) above, the proposed Action Plan (Annex 3) for delivering on the Planning Advisory Service Review recommendations be endorsed and adopted;
- (3) the proposed timescales in the Action Plan be noted and approved;

- | | |
|-----|---|
| (4) | an update on progress on the Action Plan be reported as a standing item on future Housing and Planning Scrutiny Select Committee agendas; and |
| (5) | a review into the adjournment of applications at Area Planning Committees, in accordance with Committee Procedure Rule 15.24, be undertaken to explore if the current process could be streamlined. |

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 2 December 2025.

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

Date of publication:

8 January 2026

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

Housing and Planning Scrutiny Select Committee

17 March 2026

Part 1 - Public

Matters for Information



Cabinet Member	Cllr Robin Betts, Cabinet Member for Housing, Environment and Economy
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Regulatory Services
Report Author	Gillian Aylett, Housing Strategy & Enabling Manager

Estate Management Companies

1 Summary and Purpose of Report

- 1.1 Members raised concerns about the operations of Estate Management Companies across new build housing estates across the Borough and requested an information paper on the subject.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.1.1 Residents have reported lived experience of difficulties and concerns relating to Estate Management Companies to Members/local councillors. Members have therefore expressed concern about this area of management at previous meetings of this Scrutiny Select Committee on new build estates and this report seeks to give an overview of the area of query to inform Members views and any related actions.

3 Introduction

- 3.1 Estate Management Companies (EMCs) have become an increasingly common feature of new-build residential developments. They are created to manage communal areas that local authorities do not adopt, including green spaces, roads, drainage, and estate infrastructure. While intended to maintain quality, their growing use has raised significant concerns among homeowners, local authorities, and national regulators.
- 3.2 This report summarises:

- What EMCs do
- Issues being experienced by residents
- The regulatory environment and ongoing reforms
- Local concerns and the role of Section 106 agreements
- Registered Providers approach and views
- Implications for homeowners and councils.

4 What Estate Management Companies do

4.1 An Estate Management Company is typically appointed by a developer to maintain unadopted communal areas. Their responsibilities often include:

- Green spaces, parks, play areas
- Private roads, footpaths, driveways
- Lighting, drainage, and bin collection areas.
- Management of buildings e.g. community halls

4.2 These arrangements have expanded significantly over the past two decades, with new build estate management fees becoming known as 'fleecehold' and an industry norm. The HomeOwners Alliance highlights that owners of at least one million homes on 20,000 privately managed estates face paying estate charges and permission fees.

5 What are freehold estate charges?

5.1 Freehold estate charges apply where shared amenities are not adopted by the council and must be privately maintained. Responsibility is usually set through legal documents signed at purchase.

5.2 Freehold estates are private or mixed-tenure estates where shared areas and amenities, such as roads, play areas and open spaces, are not owned or looked after by the local authority. Responsibility for their management will instead rest with a private company (often the original developer) or homeowners themselves through a residents' management company (RMC).

5.3 The private company or RMC will normally employ a property management company/agent to organise the necessary maintenance work on the estate, and the estate residents will be required to pay for the maintenance via an estate charge.

5.4 Key issues:

- Council tax is not reduced to account for these additional charges.
- Charges can increase without clarity or limits.
- Charges are typically tied to the property deeds, making selling more difficult.

6 Current issues and resident concerns

6.1 High and Unclear Charges

6.1.1 The Competition and Markets Authority (CMA) has found widespread consumer detriment, including:

- High and non-transparent fees
- Poor communication and a lack of itemised breakdowns of charges.

6.1.2 The CMA have made recommendations on estate management following the publication of their market study into housebuilding:

- address the increasing prevalence of private estate management arrangements and the negative effects this can have
- improve quality and redress routes for consumers
- improve the planning system to counteract the time, expense, and uncertainty associated with negotiating it and the effect this has on the number of planning permissions sought and granted each year
- deliver the number of homes required to meet targets which go beyond the level private housebuilders have an incentive to provide.

6.1.3 Many homeowners face high fees for low-quality services, sometimes even being charged before the estate is completed.

6.2 Limited Rights and Lack of Accountability

6.2.1 Freehold homeowners currently have very limited statutory rights to challenge charges or the work undertaken. They have no right to manage, unlike leaseholders.

6.2.2 Freehold homeowners on these estates currently have very limited rights over the cost and quality of services provided.

6.2.3 Where the developer or RMC employs a property management company, a freeholder may be able to lodge a complaint with a redress scheme. Many property management companies in England belong to a government-approved redress scheme: The Property Ombudsman or The Property Redress Scheme. These schemes provide for independent resolution of disputes and there is government guidance on the schemes, which can be accessed [here](#).

6.3 Poor or Substandard Infrastructure

6.3.1 Some estates are delivered with substandard landscaping or infrastructure, such as improperly planted trees or cheap road finishes, resulting in higher long-term maintenance costs for residents.

6.4 Lack of Dispute Resolution Mechanisms

6.4.1 While leaseholders can use tribunals, freeholders generally cannot and disputes must go through the county court route.

6.5 Issues Raised by Councillors and Local Residents

6.5.1 Councillors in the borough have reported:

- Inconsistent behaviour by management companies
- Financial strain on residents due to additional management fees
- Unclear service levels and limited influence over company practices.

6.5.2 Members are gathering ward-level evidence to understand the extent of the problems across the borough.

7 The role of Section S106 agreements

7.1 Section 106 (S106) agreements were originally intended to mitigate development impacts e.g. on roads or schools. However, over time developers have increasingly used private management companies to reduce S106 spend and choose to state they will directly manage public realm areas and facilities. At one time Local Planning Authorities adopted the land/facilities and were responsible for its maintenance but they do not adopt facilities/amenity/landscaping areas now for a variety of reasons principally down to cost.

7.2 Councils may choose not to adopt open spaces to reduce long-term maintenance costs and/or where the developer has chosen to keep them as private (albeit accessible to the public). This can mean homeowners end up paying for amenities that are effectively public, without ownership or control (albeit in some cases homeowners can be represented on the estate management board).

7.3 Councils could choose to adopt green spaces, which would give the option of 'designing out' management companies but this would only be likely on new strategic developments, and not on smaller developments. It is important to note that green spaces are often multi-functional and can accommodate Sustainable Drainage Systems (SuDS) and Swales as well as possibly community buildings which cannot be separated from the scheme. This has arisen due to the change in consenting where combined systems i.e. waste and foul water cannot be discharged to the main foul systems.

7.4 Given the complexities of this and the lack of alternative options for adoptions, the S106 route is not the appropriate route for resolution.

7.5 Conditions can and do require how the open spaces will be managed for the lifetime of the development and this meets the 6 tests for conditions.

8 Registered Providers views and approach to EMCs

8.1 Registered Providers of affordable homes find that with fewer council adoptions of roads/open space developers rely heavily on unregulated managing agents. The charges of estate management lead to residents often feeling they are 'paying twice' through both service charges and council tax.

8.2 A local Registered Provider kindly provided information on their experiences and views relating to estate management approaches and costs, with key points as follows:

8.2.1 Service Charge Inequity

- Issues have arisen where all residents pay equal shares of estate management costs but affordable homes were also given additional areas requiring management (e.g. parking areas, pavements), which need to be included in the Registered Provider service charges. This has resulted in higher service charges for affordable homes.
- To avoid this inequity, some Registered Providers now seek transfer of dwellings only, with no additional verges, paths, or open areas, so affordable residents pay the same estate service charge as private residents. Developer willingness to agree this approach varies.
- Some RPs will only take the freeholds of flats where they can control the block management and maintenance.

8.2.2 Upfront Review of Service Charges, estimates and caps

- providers will assess the site layout, open spaces and potential maintenance requirements to understand the likely service charges and estate management costs before making an offer on a Section 106 scheme.
- Providers are likely to request managing agents' service-charge estimates before entering contracts and challenge irrelevant or inaccurate items. One provider has fed back that they frequently challenge items included in costs.
- Providers may seek to negotiate caps for estate service charges, for the first few years. Providers have highlighted that longer-term caps are not feasible because they could impact on costs to private owners which isn't fair.

8.2.3 Managing Agent Performance Issues are experienced and one provider has advised they recently supported a developer in terminating a poorly performing

managing agent and taking estate management in-house. Please note, this was not within TMBC.

8.2.4 Impact of Biodiversity Net Gain (BNG) - BNG requirements are increasing open-space areas on estates, significantly raising long-term maintenance costs. Providers may decline Section 106 sites where extensive open spaces make service charges unsustainably high, especially where rent caps limit recoverable costs.

8.2.5 Hopeful legislative reform will bring improvements – it is hoped legislative changes will bring improved regulation and standards to managing agents, provided the changes do not lead to increased costs for service-charge payers.

9 Future Regulatory Framework

9.1 Leasehold and Freehold Reform Act 2024

9.1.1 The Act introduces new rights for freeholders, including the ability to:

- Challenge estate charges via the First-tier Tribunal
- Appoint a substitute manager where an EMC fails
- Receive improved transparency and regular reporting from estate managers
- Require estate managers to consult freeholders where the anticipated cost of major works exceeds a specified amount
- Require developers who do not employ a managing agent, as well as estate managers on freehold estates, to belong to a redress scheme.

9.1.2 The 2024 act has received Royal Assent but most provisions are not yet in force and will require further consultation and secondary legislation.

9.2 Government consultations

9.2.1 The government launched consultations in December, seeking views on how to effectively implement the new regulatory framework for freehold estates and reduce the prevalence of Estate Management Companies. The two consultations are open from December 2025 to March 2026. Please note that a review of the consultations has led us to conclude that the proposals are picking up on the relevant issues/challenges that Officers are aware of and as such specific responses have not been submitted.

9.3 Enhanced Protections for Homeowners on Freehold Estates (closing 12 March 2026)

9.3.1 Proposals include:

- Removing disproportionate enforcement remedies
- Mandatory qualifications for managing agents
- Improved transparency on fees and charges

- Options to empower residents to take control.

9.3.2 This consultation can be found [here](#).

9.4 Reducing the Prevalence of Private Estate Management (also closing 12 March 2026)

9.4.1 Proposals include:

- Common standards for adoptable amenities
- Possible mandatory adoption of certain infrastructure
- Reducing financial incentives for non-adoption
- Prohibiting “embedded” management companies chosen by developers in deeds.

9.4.2 This consultation can be found [here](#).

9.5 Government commitment to ending ‘Fleecehold’

9.5.1 The 2024 King’s Speech confirmed that future legislation aims to end unfair costs and the “injustice of fleecehold.”

9.5.2 The government has published a draft Commonhold and Leasehold Reform Bill which, when implemented, will deliver its manifesto and King’s Speech commitments to reinvigorate and reform the commonhold model, making it easier for existing leaseholders to convert to commonhold should they wish to do so, and banning the use of leasehold for most new flats.

9.5.3 The Bill will also support existing leaseholders by capping ground rents at £250 a year, changing to a peppercorn after 40 years, and by abolishing the draconian threat of forfeiture. In place of forfeiture, the Bill will introduce a new, fairer and more proportionate lease enforcement scheme benefitting both leaseholders and landlords. In addition, the Bill will tackle similarly harsh enforcement powers that apply to estate rent charges on freehold estates by repealing those powers as they relate to estate rent charges.

9.5.4 Taken together, these reforms will significantly improve the current system for the 5 million existing leasehold properties and their owners, while ensuring a better deal for future generations of homeowners in England and Wales. The Bill will give homeowners much greater security and control over their homes through access to fit for purpose and modern commonhold ownership.

10 Characteristics of effective estate management

10.1 Where EMCs function well, they typically demonstrate:

- Strong knowledge of the estate and its needs
- Transparent communication, including budgets, costs, and inspection reports
- Registration with professional bodies such as ARMA or RICS.

11 Risks associated with poorly managed or dormant management companies

11.1 Where a residents' management company is used, failure to maintain corporate compliance (e.g., filing accounts) can:

- Prevent sales or remortgages
- Lead to costly legal issues
- Be impossible to rectify in extreme cases, if many homeowners and lenders need to co-ordinate.

12 Conclusions and next steps

12.1 Estate management companies play a key role in maintaining unadopted amenities in new developments. However, increasing reliance on EMCs has created substantial financial and governance challenges for homeowners. National bodies such as the CMA and central government have recognised these issues, prompting major reforms aimed at improving transparency, accountability, and long-term sustainability.

12.2 Locally there is growing concern about the impact of EMC practices on residents, prompting evidence-gathering and the potential for committee-level action.

12.3 The implementation of the Leasehold and Freehold Reform Act 2024 and associated consultations is likely to bring positive changes to estate management practices, with a shift toward more regulated, transparent, and resident-focused systems.

12.4 Officers note the current government consultations consider the main areas of concern relating to Estate Management Companies and resulting legislative reform should improve their operations and governance. Consequently, the Council has not submitted specific consultation response.

Background Papers	None
Annexes	None

**HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE – UPCOMING MATTERS
2026**

C=Council; CAB = Cabinet; INFO = matters for information. Cabinet are responsible for ALL Key Decisions (KD). Some Non-Key Decisions (NKD) can be taken by Cabinet Members outside of/following the meeting. Cabinet member DN Y/N, seeks indication whether the decision is anticipated to be taken by the relevant Cabinet Member following the HPSSC meeting, or whether it is anticipated to go to the next Cabinet meeting for a decision to be taken by the Cabinet as a whole. (Scrutiny Select Committee do not have delegated powers to take decisions).

MEETING DATE	DECISION/TITLE	DESCRIPTION/PURPOSE	C/CAB/ INFO	KD/NKD	CAB MEMBER DN Y/N	PART 1 OR 2	OFFICER IN PERSON ATTENDANCE Y/N
19 May 2026	Moat Housing Association	Requested by Chair. Details to be confirmed.	Info				
	Matters Arising from Services in between cycles: To be identified:						
	PAS Action	Update on progress	Info				
	Work Programme		Info				
28 July 2026	Matters Arising from Services in between cycles: To be identified:						
	PAS Action Plan	Update on progress	Info				
	Work Programme		Info				
29 September 2026	Matters Arising from Services in between cycles: To be identified:						
	PAS Action Plan	Update on progress	Info				
	Work Programme		Info				
	Matters Arising from Services in between cycles: To be identified:						
1 December 2026	Matters Arising from Services in between cycles: To be identified:						
	PAS Action Plan	Update on progress	Info				
	Work Programme		Info				

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Agenda Item 15

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 16

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 17

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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