

COUNCIL**MEETING OF 13 MAY 2025****QUESTION ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5**

The following question (25/002) has been asked pursuant to Council Procedure Rule No 5.5 by Councillor James Lark:

'Residents in Plaxtol have been raising concerns with alleged planning enforcement breaches at Dux Farm for many months, prior to the submission of further planning applications on this site.

Tonbridge and Malling Borough Council has failed to serve a Temporary Stop Notice on the basis Planning Enforcement Officers did not consider it fair and reasonable to do so. Please can the Cabinet Member for Planning liaise with Planning Enforcement Officers to provide information detailing at what further breaches need to happen for this authority to consider issuing a Temporary Stop Notice on this site?

On 10 February 2025 the Director of Planning, Housing and Environmental Health indicated in an e-mail to the Leader of the Council that a meeting was being requested with the developer. Please can the Cabinet Member for Planning also report back to Full Council on the outcome of that meeting?'

Response of the Cabinet Member for Planning (Councillor Mike Taylor):

I am grateful to Cllr Lark for raising this question, ongoing problems in enforcement are something that has concerned me for some time.

The test applied to planning enforcement action is one of expediency, which is laid out in the Council's Planning Enforcement Plan and Government guidance. In this case, given that national guidance states that in almost all cases, enforcement action should be held in abeyance pending the determination of applications relating to the potential breaches on a site, officers advised Councillors that they would not recommend formal action at this stage. The site remains under regular review and all correspondence from local residents is reviewed as quickly as possible.

The Director of Planning, Housing & Health and the Head of Planning have met with the developer to convey the concerns about the approach being taken with this site and to encourage them to deliver their scheme in a considerate manner.

It is a source of significant frustration that the legislation governing planning enforcement does not make it straightforward for the Council to take more action and that the risks involved in doing so are potentially financially and legally significant.

Recognising the frustration in the community not only neighbouring Dux Farm but near a number of development sites in the borough, I am in close liaison with senior

officers regarding enforcement action and will continue to be so. I am pleased to be able to confirm to Members that both of the vacant Planning Enforcement posts have now been appointed to, with start dates in the near future. Whilst this does not change the legal framework that the Council has to work within, I am confident that this will ensure that we are able to expedite cases where formal action is possible and recommended under our Planning Enforcement Plan. I will continue to work closely with the officer team to ensure that this important area of work remains a priority.

We spend a lot of resource drafting conditions to go with approvals, and then just let developers do what they want. I am not worried about conditions like materials, utilities and parking, but we need to find ways to ensure Public Health conditions like Contamination Remediation and Asbestos removal are carried out correctly.

I will be continuing to talk to Officers to find ways within the legal framework to ensure future Planning Approvals are kept on track with a more robust enforcement action.