

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 17th March, 2026

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 K B Tanner, Cllr D Thornewell and Cllr C J Williams

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

(*participated via MS Teams)

HP 26/5 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

HP 26/6 DECLARATIONS OF INTEREST

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

HP 26/7 MINUTES

RESOLVED: That 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 be approved as a correct record and signed by the Chair.

HP 26/8 PRESENTATION BY THE KENT HOUSING GROUP

The Chair of the Kent Housing Group provided an overview of the organisations structure and activities and highlighted the current challenges facing affordable and social housing delivery in Kent.

Particular reference was made to reduced capacity amongst housing associations to deliver affordable housing due to financial constraints, compliance costs and the impact of the cost-of-living crisis. It was noted that local authorities also faced increasing difficulty in securing registered providers to deliver new homes.

Recent changes to Housing Revenue Account regulations permitted councils that had transferred their housing stock to own up to 1,000

homes prior to establishing a housing revenue account. Additionally, it was clarified that grant funding from Homes England could be accessed for eligible projects, provided the affordable housing was not required as part of Section 106 planning obligations.

Finally, there was in-depth discussion on Section 106 dynamics, viability, “grey/green belt” affordability expectations, grant rules, and the practical constraints of delivering social rent without grant funding.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 26/9 HOMELESSNESS PREVENTION AND ROUGH SLEEPING STRATEGY 2026-2031

The report of the Director of Planning, Housing and Regulatory Services sought approval of a draft Homelessness Prevention and Rough Sleeping Strategy 2026-2031 and Action Plan for consultation.

Particular reference was made to central Government’s long-term vision for homelessness, as set out in the ‘National Plan to end Homelessness’, which formed the policy basis for the Borough Councils new Strategy and Action Plan (attached at Annexes 1 and 2 respectively).

There was detailed discussion in respect of the high demand for one-bedroom homes, the prevalence of out of borough placements and the Borough Council’s efforts to increase local temporary accommodation. The challenges in funding and delivering suitable units, especially given grant rate limitations and operational risks was noted. It was also explained that whilst funding opportunities could be explored, priorities had focused on managing financial risks associated with temporary accommodation. Unfortunately, the Borough Council was not currently set up for large-scale operational management of additional units and any expansion would require careful consideration of ongoing costs.

Finally, it was explained that a proposed ‘lived experience’ advisory panel aimed to ensure that feedback from those with direct knowledge and experience of accessing homelessness services informed ongoing improvements.

In recognition that preventing homelessness and ending rough sleeping was a key priority area for the Borough Council, Cllr King proposed, Cllr Dalton seconded and it was

***RECOMMENDED:** That

- (1) the draft Homelessness Prevention and Rough Sleeping Strategy 2026-2031 (attached at Annex 1) be approved for consultation.

***Recommended to Cabinet**

**HP 26/10 LOCAL PLAN REGULATION 18 (STAGE 2) CONSULTATION -
UPDATE**

Members were provided with an update on the Local Plan Regulation 18 (stage 2) Consultation that took place between 10 November 2025 and 2 January 2026. An update on Local Plan transport work and the associated financial implications was also provided.

Summaries of the feedback received, individual question responses and analysis and supporting information was available on www.tmbc.gov.uk/local-plan-responses

General key themes from those responding to the consultation had expressed views in respect of overall housing numbers, scale / location of proposed site allocations, infrastructure capacity especially highways, water, healthcare and schools, greenbelt protection and the adequacy of supporting evidence. Concerns about the impact of development on local character, heritage and the environment were also raised.

With regard to the emerging risk from South East Waters response to the Local Plan consultation and concerns around their capacity to provide sufficient water supply to new development, it was confirmed that discussions with Government, South East Water and neighbouring authorities was ongoing. Further guidance was awaited and Members would be updated as soon as possible.

Particular reference was made to the further transport related work required to inform and support the next stage in plan-making for the Regulation 19 Local Plan, as detailed in 12.3 to 12.7 of the report. In summary this included further testing for a preferred growth scenario for Regulation 19, more detailed junction design and mitigation testing and integrating the findings into the Infrastructure Delivery Plan. Microsimulation modelling was currently being investigated for Tonbridge and M20 Junction 6. This could be in the region of £45,000 up to £80,000 respectively, dependent on whether an existing model could be updated and built upon.

There was detailed and robust discussion in relation to the perceived adequacy of junction analysis and the realism of modal shift assumptions, the risks associated with missing the statutory deadline for plan submission, including potential Government intervention, speculative development and uncertainty due to local government reorganisation. The importance of maintaining progress and meeting the December 2026 deadline for submission of a Local Plan was recognised. Members would receive regular updates via the Housing and Planning Scrutiny Select Committee and wider engagement sessions.

In recognition that the Local Plan, once adopted, would be the key planning document for Tonbridge and Malling, Cllr King proposed, Cllr Thornewell seconded and it was

***RECOMMENDED:** That

- (1) the responses received to the Regulation 18 Local Plan Consultation and their publication on the Borough Council's website be noted and endorsed;
- (2) the Regulation 18 Local Plan Consultation question response summaries and associated officer comments, as published on the Borough Council's website be endorsed;
- (3) the Regulation 18 Local Plan Consultation responses be fully considered in the preparation of the Tonbridge and Malling Borough Council Regulation 19 Local Plan; and
- (4) the update provided in relation to progress on transport evidence for the Local Plan and the potential cost implications of the work proposed be noted.

***Recommended to Cabinet**

HP 26/11 PLANNING ENFORCEMENT PLAN REVIEW

A number of proposed changes to the Planning Enforcement Plan (attached at Annex 1) and associated activities were presented for consideration. In addition, options for a pro-active approach were outlined.

Members were advised that the Planning Enforcement Plan (PEP) would be updated to reflect the current National Planning Policy Framework. This would ensure it was up to date, correct and that Members and the public were clear on the changes to national policy and submission requirements for retrospective applications.

In addition, to streamline the submission of a complaint of a breach of planning control, it was proposed that a link be inserted into the PEP directing to the General Permitted Development Order 2015 (technical guidance). This would ensure that stakeholders understood the planning process and what was considered to be a breach of planning control.

Following stakeholder feedback, consideration had been given to a more pro-active approach to enforcement within legislative and capacity constraints. The proposed approach included the issuing of letters outlining the breach and offences requiring immediate cessation without the invitation of a retrospective planning application. New letters had

been drafted (attached at Annexes 2-5) to ensure clear messaging was given to contraveners as to whether enforcement action was initiated, a retrospective planning was invited, no further action was required.

Whilst Members welcomed the proposed improvements to planning enforcement, concern was expressed about the timeliness of enforcement, communication with complainants and the lack of regular updates. In response, ongoing efforts to improve responsiveness and transparency were outlined.

Finally, it was confirmed that third-party evidence, such as photographs, was accepted for enforcement cases. However, it was clarified that for legal proceedings, the Borough Council must gather its own evidence to avoid relying on untrained individuals in court.

In recognition that having an effective Planning Enforcement Plan in place ensured that there was a framework of prioritisation and decision making that reduced the risk of legal challenge, Cllr King proposed, Cllr Palmer seconded and it was

***RECOMMENDED:** That

- (1) the proposed changes to the Planning Enforcement Plan and the associated activity and timescales, set out in section 5 of the report, be agreed; and
- (2) the pro-active approach, proposed letter templates and direct action against s215 notices being issued and resourcing options, set out in section 7 of the report, be agreed.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 26/12 CABINET MEMBER UPDATE - HOUSING

The Cabinet Member for Housing, Environment and Economy provided a detailed update on housing service delivery and highlighted reductions in temporary accommodation numbers, progress on the Blue Bell Hill development and challenges with Local Lettings Plans.

Members noted that the number of households in temporary accommodation had reduced to below 100, the reluctance of applicants to bid for apartments, despite their quality, and that the Borough Council continued to refine processes and consider policy adjustments to encourage uptake.

It was also noted that the Borough Council's Section 106 agreements now specified rent levels to align with local housing allowance aiming to improve affordability of future development schemes.

HP 26/13 RENTERS' RIGHTS ACT 2025

The report of the Director of Planning, Housing and Regulatory Services provided an overview of the key changes introduced by the Renters' Rights Act 2025, set out the implications for the Borough Council's responsibilities in regulating and supporting the private rented sector (PRS); outlined the forthcoming implementation timetable; highlighted new duties for landlords and local authorities and sought to ensure that the organisation was prepared for the phased introduction of the reforms.

Members noted that the Act abolished assured shorthold tenancies and Section 21 'no fault' evictions, with all tenancies converting to periodic status and requiring landlords to provide specific grounds for possession. A national private sector database and landlord ombudsman would be established.

As a result of local authorities gaining strengthened enforcement powers and new reporting obligations, new burdens funding would be provided to support implementation.

HP 26/14 PLANNING ADVISORY SERVICE (PAS) ACTION PLAN - PROGRESS

Members noted the good progress being made in respect of the recommendations of the Planning Advisory Service (PAS) Review. Two actions remained pending due to legislative or IT system constraints but would be progressed as soon as possible.

Regular reporting would continue at future meetings.

HP 26/15 ESTATE MANAGEMENT COMPANIES

The report provided information in relation to the role of estate management companies (EMC); the issues being experienced by residents; the regulatory environment and ongoing reforms; local concerns and the role of section 106 agreements; the approach and views of Registered Providers and implications for homeowners and local authorities.

Members noted that residents faced high and unpredictable service charges, poor standards of work and limited dispute resolution options. These issues affected both private and affordable housing with some registered providers expressing concern over additional management burdens.

Whilst the Borough Council recognised the issues, it currently had limited direct influence to affect change, pending further national action. However, recent and forthcoming consultations and potential legislation aimed to improve regulation, transparency and resident rights.

HP 26/16 WORK PROGRAMME 2026

The Work Programme setting out matters to be scrutinised during 2026 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

In recognition of the importance of the Local Plan, it was suggested that the Work Programme provide a detailed outline of which topics and evidence would be covered in the updates provided at the May and July meetings. This would ensure that Members had advance notice to review materials.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 26/17 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.25 pm
having commenced at 6.30 pm