

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Strategic Environment Committee
Date: 30 November 2020
Reporting officer: Director (Planning and Development)
Subject: Planning performance

Purpose and summary of report:

This report is the third of a regular series intended to be presented every six months to inform Members on current performance in respect of the planning service

Recommendations:

This report is submitted for information to assist the committee in monitoring planning activity and Members are requested to:

- a) Discuss and comment upon the information provided; and
- b) Identify any other areas of performance they wish to see included in future reports.

1. Introduction

- 1.1 Previous reports have included an initial section providing the background to performance monitoring within the planning service, given that they were only introduced at this time last year. That information still provides a useful reference point for Members, but is now included at Appendix 2.
- 1.2 It should also be noted that, since the last update for the period to 31 March 2020, there have been a number of legislative changes, some to address Covid-19 issues, that have changed some of our work, and these are summarised at Appendix 3. The government has also provided some updated guidance to cover the more recent changes, and links are provided at the end of Appendix 3.
- 1.3 Two important consultations have also been taking place in respect of Changes to the current Planning System (closed on 1 October 2020), which can be found [here](#), and Planning for the Future (closed on 29 October 2020), which can be found [here](#). Both consultations were the subject of discussion at the 28 September 2020 meeting of this committee.

2. Performance

2.1 Development Management

During the period 1 April to 30 September 2020 the authority received and validated 602 planning applications. By way of comparison, the table below provides figures for the three preceding six-month periods. This shows a decrease in applications received of 91 applications / 13% between the latest six-month period and the equivalent period in 2018/19, being just below the 2-year average of 628. Unfortunately there is no directly comparable national data available, the most recent relating to the period 1 January to 30 June 2020, which shows a decline of 15% for the same period in the previous year.

	1 October 2018 – 31 March 2019	1 April 2019 – 30 September 2019	1 October 2019 to 31 March 2020	1 April 2020 to 30 September 2020
Applications received and validated	580	693	638	602

2.2 The graph below shows the number of all applications received and validated within each of the six-month periods by type – non-major, used for government returns, being a combination of ‘minor’ and ‘other’ applications.

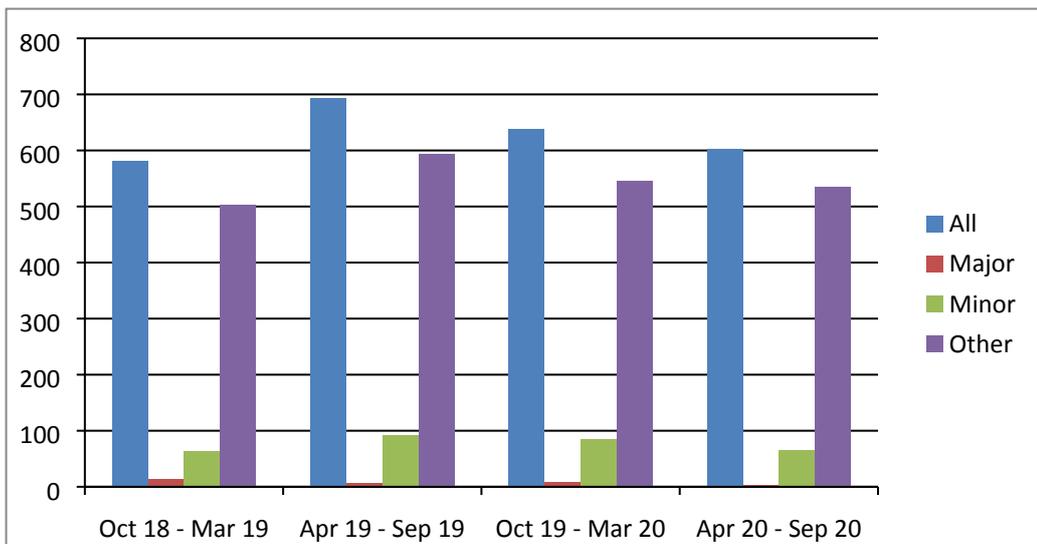


Figure 1: Applications received and validated, by type, during the period

2.3 Performance relating to the determination of applications required for PS2 returns (see 1.1 in Appendix 2) is monitored against the target determination times by type or, if appropriate, against an agreed Extension of Time (EOT) period, performance against these measures being shown in the graph below.

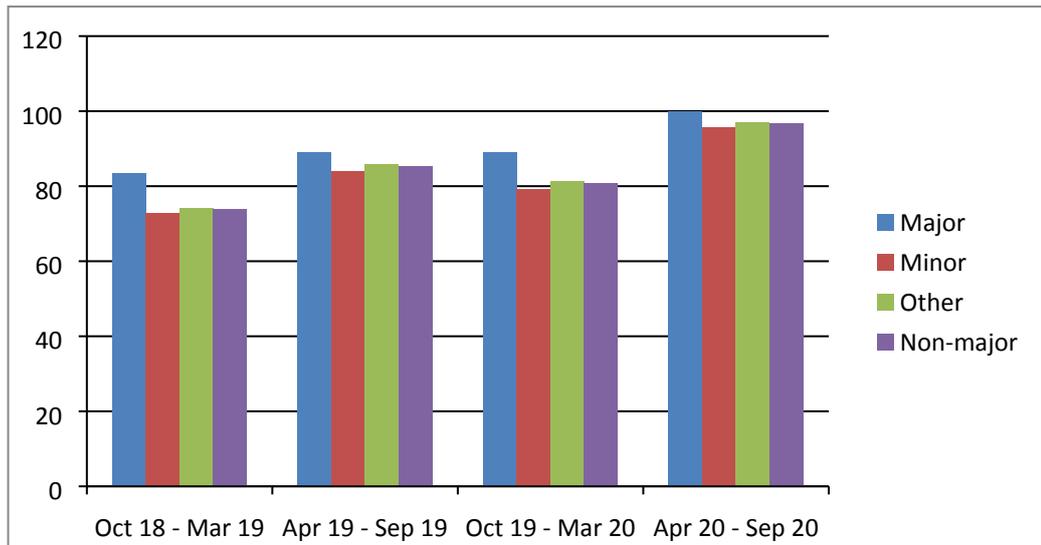


Figure 2: Applications determined in time or within agreed Extension of Time period (%)

2.4 As set out in Appendix 2, the government monitors 'speed' of decision relating to those applications used in the governments PS2 Returns, i.e. excluding those applications relating to approval / removal of conditions, consultations by neighbouring authorities, non-material and minor-material amendment applications, request for a scoping opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, confirmation that conditions have been complied with, prior approval applications, etc.

The monitoring period for 1 October 2018 to 30 September 2020 dealt with cumulative outturns and the information, split between major and non-major applications, can be seen below. National data suggests that this council is comparable with the average for major applications, but below average for the non-majors, although ongoing improvements are showing the gap is closing.

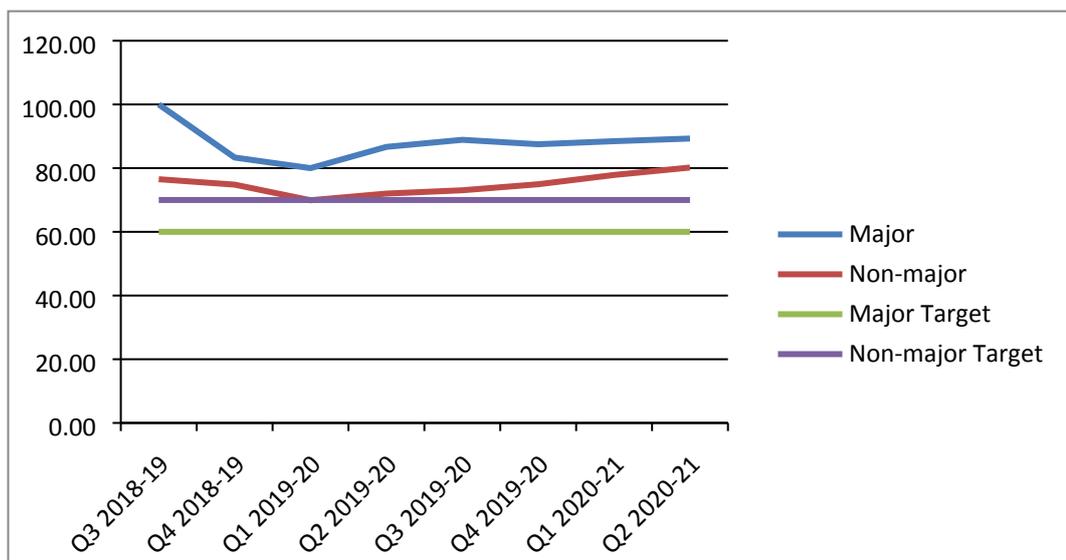


Figure 3: 'Speed of delivery' 2-year cumulative outturn (Oct 2018 to Sept 2020) (%)

2.5 Planning law requires that applications for planning permission are determined in accordance with the development plan and also reflect relevant international obligations and statutory requirements. There is, within the National Planning

Policy Framework (NPPF 2019), a 'presumption in favour of sustainable development' with Para 11 stating:

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, approximately 78% of the borough's area is subject to Green Belt designation, with large areas also falling within the Kent Downs Area of Outstanding Natural Beauty (AONB) and other areas of protection. Green Belt policy is particularly relevant in that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances" (NPPF 2019, Para 143). The NPPF goes on, in Para 144, to state that:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations". Thus, whilst officers endeavour to work with applicants to ensure that applications are policy compliant and therefore can be transparently approved, and performance in this regard is monitored, this presumption against inappropriate development affecting over three-quarters of our area, clearly has an impact, the proportion of all applications received that are within the area affected by Green Belt policy being, on average, 21.4% during the last two years.

It should also be noted that the amount of work required when considering even relatively simple householder development applications within these protected areas is greater than for other areas, thereby also impacting on the speed at which decisions can be made.

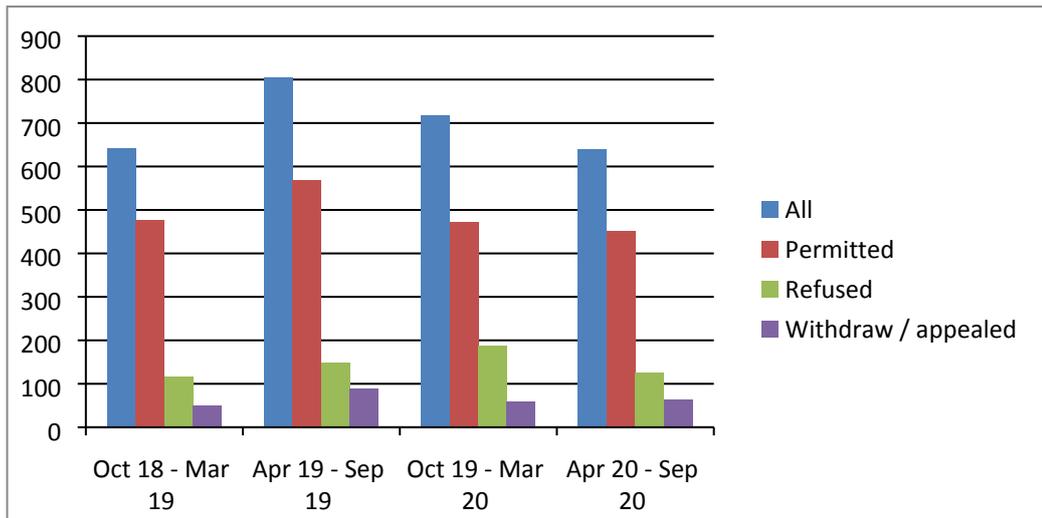


Figure 4: Applications determined, withdrawn or appealed against non-determination

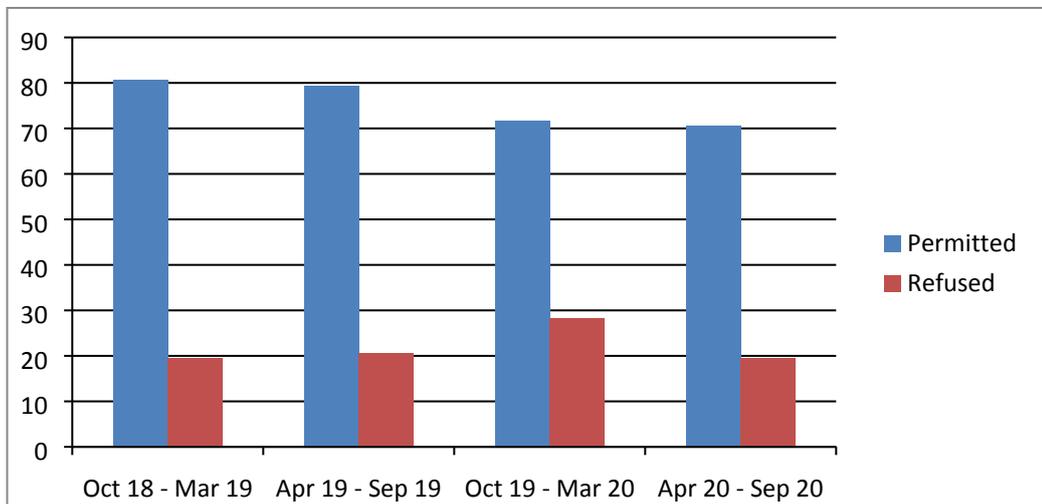


Figure 5: Applications determined - % permitted and refused

2.6 In addition to processing and determining formal applications submitted to the Council, we also offer a pre-application advice service designed to assist potential applicants to prepare all the necessary documentation and address all material considerations in advance of formal submission. Whilst this is not a statutory service, it is considered to be best practice and can result in the submission of applications that are complete upon submission and in a form ready to move through to determination. This is a paid for service, with a fee structure designed to cover its costs.

The table below shows details of the number of submissions received during each period, the number responded to and those on hand at the end of that period.

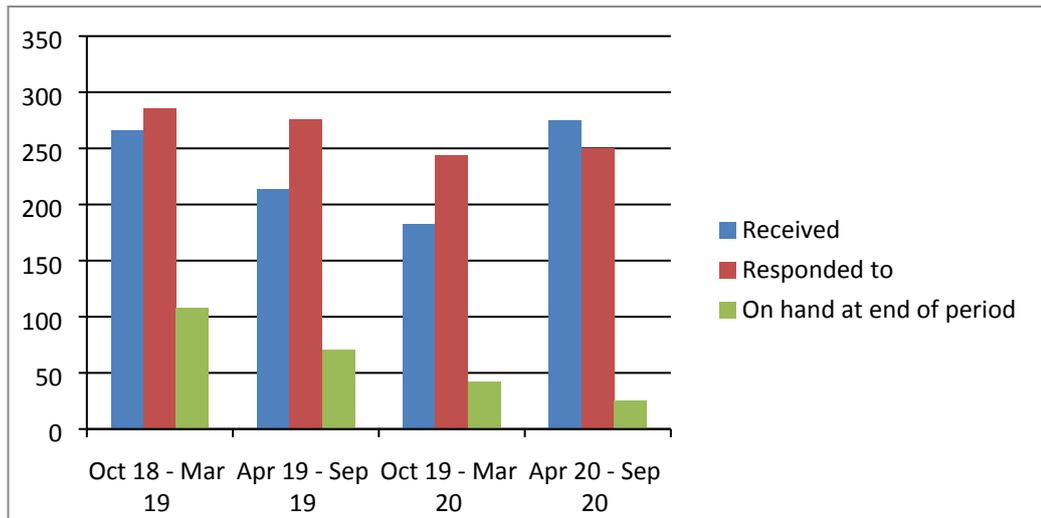


Figure 6: Pre-application submissions

- 2.7 The 'quality of decision' is reviewed by Government and the threshold for designation on applications for both major and non-major development is 10% of an authority's total number of decisions being allowed on appeal. For the latest two years for which national data is [available](#) (1 April 2017 to 31 March 2019), government statistics show the number of decisions overturned at appeal nationally for major applications was 2.1%. For this Council during the period in question it was 0%, as no major appeals were allowed out of a total of 28.
- 2.8 As regards decisions relating to non-major applications within that same monitoring period, government [statistics](#) show the number of decisions overturned at appeal for non-major applications is 1.1%. For this Council it was 1.8%.
- 2.9 The recent monitoring period for 1 April 2018 to 31 March 2020 dealt with cumulative outturns and the information, split between major and non-major applications, can be seen below.

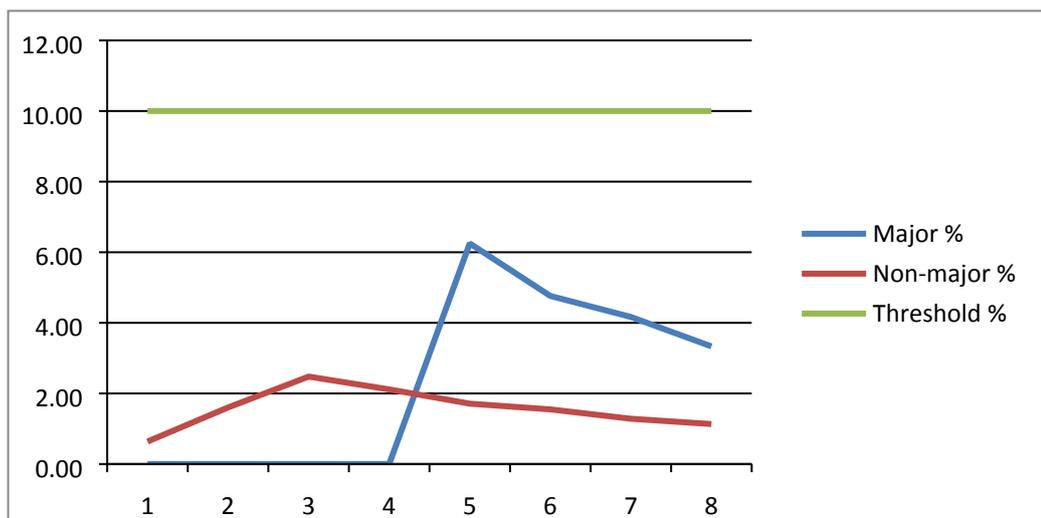


Figure 7: 'Quality of decision' 2-year cumulative outturn (April 2018 to March 2020) (%)

- 2.10 The current monitoring period for 1 April 2019 to 31 March 2021 is now three-quarters complete, with current cumulative outturns, split between major and non-major applications, set out below.

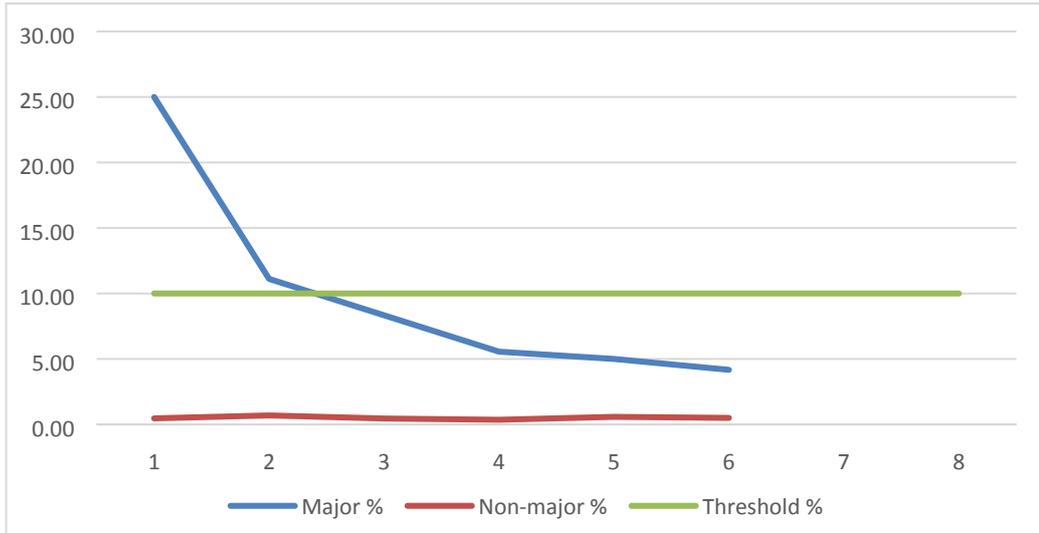


Figure 8: 'Quality of decision' 2-year cumulative outcome to date (April 2019 to September 2020) (%)

The spike in the first quarter of 2019 related to a single appeal being allowed against just four being determined in that period but, as can be seen, performance is still very good with just one major and 7 non-major being allowed in the eighteen-month period.

2.11 The appeals lodged against the Council predominantly relate to situations where planning permission for development has been refused (100% during the six month period), although they can be lodged against the Council's failure to determine applications within the target period, the service of enforcement notices, refusal to permit advertisement consent or refusal to issue a Lawful Development Certificate, etc.. The total number of appeals lodged, by type, is set out in the graph below:

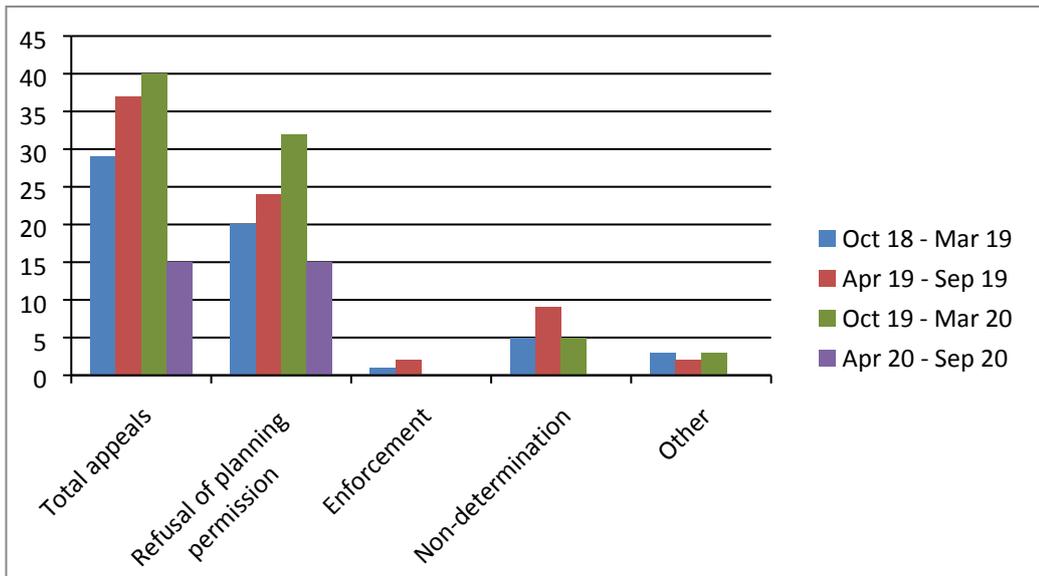


Figure 9: Appeals lodged in the period by type

2.12 In addition to monitoring in accordance with the formula required for the government's thresholds, appeal decisions are monitored and lessons learned, both from those successfully defended and those allowed. This aspect of the department's work was the subject of a Member training session on 14 January

2020, and the outcomes of appeal decisions issued over the past two years can be summarised below. We are consistently more successful at defending our decisions at appeal than the national average, though the national trend in recent years has been for greater proportions of appeals to be dismissed than has historically been the case.

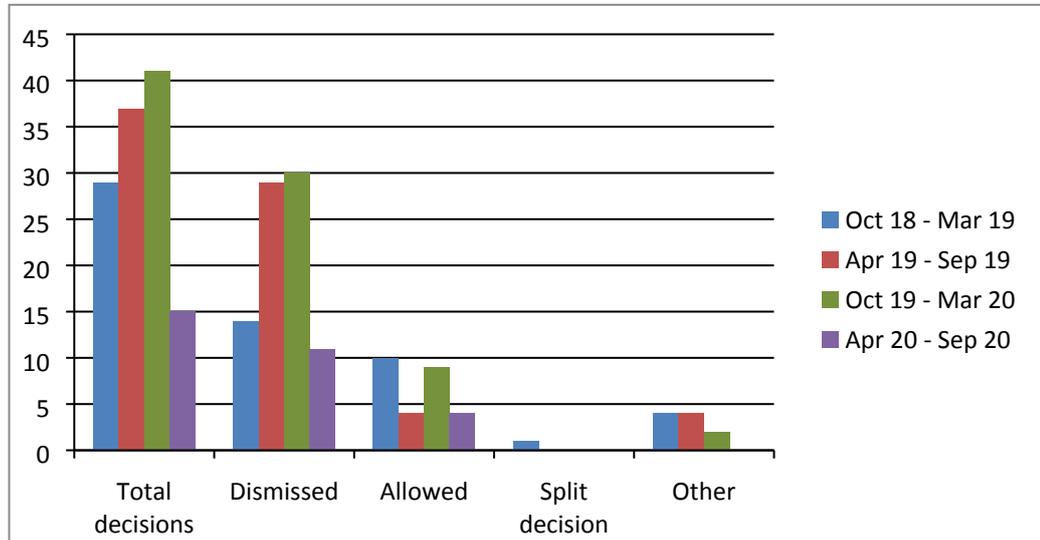


Figure 10: Appeals decisions issued in the period by outcome

2.13 As stated elsewhere in this report, it is possible for an Inspector, when determining an application, to award costs for or against the authority, whether sought or not. In the six-month period to which this report relates, no such cost awards were made.

Whilst avoiding cost awards cannot be guaranteed, it should be noted that, with a full staffing complement, failure to determine applications in time or submit material to the Inspectorate is far less likely, and decisions are carefully reviewed and lessons shared amongst the team in an effort to avoid repetition when it does occur.

2.14 Officers are also responsible for determining applications to undertake works to trees that are either the subject of Tree Preservation Orders (TPOs) or are located within a Conservation Area, and details of such applications are shown below.

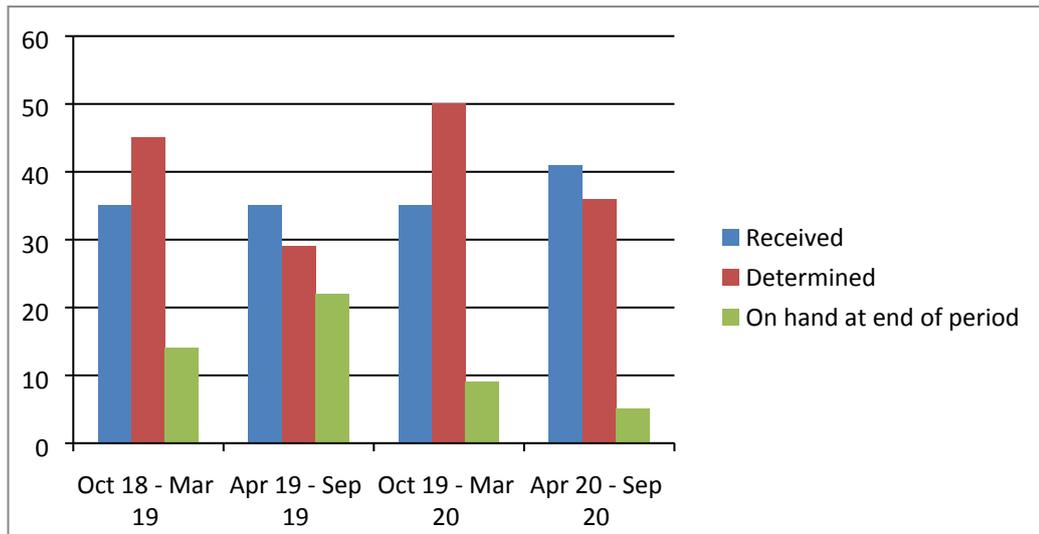


Figure 11: Applications for works to trees subject of a TPO or within a Conservation Area

2.15 Planning Enforcement

In the period 1 April 2020 to 30 September 2020 the Council registered 127 new cases about alleged breaches of planning control. These are referred to as 'complaints'. This compares with 97 complaints registered in the preceding six-month period, being a 31% increase.

2.16 Complaints are prioritised, as follows:

Priority 1 – Unauthorised development that threatens immediate and irreparable harm (Immediate Investigation)

Priority 2 – Unauthorised development which threatens limited harm (Investigation in 5 working days)

Priority 3 - Breaches of planning control that threaten less or no harm (Investigation in 10 working days)

Although this is the Council's published policy, all Priority 2 and 3 reports are investigated within 5 working days.

2.17 The enforcement module of the Council's Uniform computer package has only been brought online relatively recently, which limits our ability to provide comparable data over time. However, Officers are identifying information that is likely to be of interest to Members, and looking to adjust the recording system to enable the necessary reports to be generated.

2.18 To provide a snapshot of the enforcement service, the following information has been prepared to cover the full year, 2019/20, and the nine months to September 2020, as this provides details on the outcomes of those cases closed within the periods.

2.19 Two hundred and eighty-four (284) enforcement cases were closed in the twelve-month period 2019, the outcomes of which can be summarised as follows:

Outcome	Jan-Dec 2019		Jan-Sep 2020	
	No.	%	No.	%
No breach identified	106	37.3	56	31.3
Remediated	146	51.4	109	60.9
Immune from enforcement	3	1.1	3	1.7
Not expedient to pursue	29	10.2	11	6.1

The very low number of cases closed as 'immune' from enforcement action demonstrates that potential breaches of planning control are being identified promptly (by Members, officers or the public) and investigated promptly following report / identification.

In addition, the high number of cases with a successful outcome as a result of retrospective permission being granted or the breach remedied, as opposed to formal enforcement action being necessary, is a testament to the negotiating skills of the team.

- 2.21 Of those remediated in 2020 (109), 60.9% were as a result of planning permission being granted, breaches identified being resolved, compliance with an enforcement notice and compliance with conditions imposed on a planning approval or a condition(s) being discharged.

A further 3 cases (1.7%) gained Lawful Development Certificates.

It should be noted that most of these would have been fee generating.

- 2.22 In regard to notices issued / court action taken, this data is reported to and published by central government. In the year ending June 2020 (the most recent national data available), Gravesham Council issued or secured:

- One Enforcement Notice
- One Temporary Stop Notice
- Three Enforcement Injunctions (100% success rate)

These figures are taken from Table P130 of the *live tables on planning application statistics*, and other detailed, national planning permission (enabling comparison with other authorities) is also available [here](#).

2.23 Planning Policy

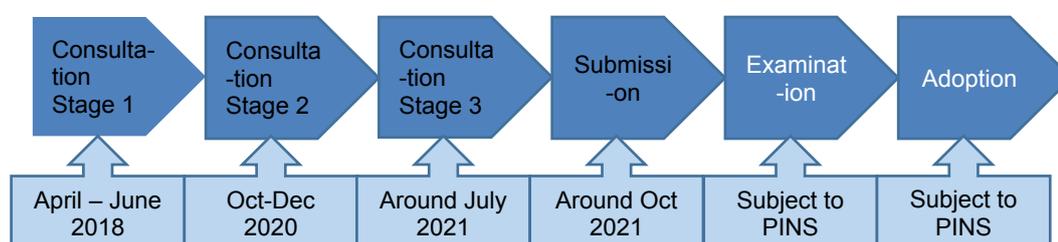
The Council is currently undertaking a Partial Review of the Local Plan Core Strategy which will include additional site allocations, together with proposing detailed Development Management Policies. A consultation was undertaken in April – June 2018, which sought views on

- Site Allocations Issues and Options Document which set out broad options for meeting the Borough's additional development needs up to 2028, and
- Draft Development Management Policies Document set out detailed policies to be used when considering planning applications

2.24 Taking account of the comments received, we have gathered additional information to inform the amount of development needed in the Borough to meet our development needs up to 2036 and where this development could take place. The draft policies in the Development Management Policies Document have also been updated and account has been taken of the changes in national policy since the 2018 consultation.

Whilst commencing after the current six-month monitoring period under consideration, it is worthy of note that we are currently undertaking a Regulation 18 Stage 2 consultation which, due to the current pandemic and Government guidance, is being undertaken predominantly online.

A number of factors have and will affect the timetable for the emerging Local Plan, these include the current pandemic and potential changes to the planning system by the Government, whilst a timetable is provided below, it is indicative at this stage:



2.25 Alongside work on the emerging Local Plan, work has been progressed in a number of other areas e.g. Supplementary Planning Documents. Supplementary Planning Documents provide further detailed guidance on policies within the Borough’s adopted Development Plan. A consultation was undertaken in respect of the draft guidance in respect of the maintenance / replacement of windows and doors in Conservation Areas from 31 January to 13 March 2020, with the Supplementary Planning Document being adopted on 29 June 2020.

2.26 A consultation was also undertaken on the draft Residential Extensions and Alterations Design Guidance Supplementary Planning Document between 31 August and 29 September 2020. The final version of this Supplementary Planning Document will be reported in due course to Cabinet for adoption.

3. Major Infrastructure Projects / NSIPS

3.1 Whilst this area of the directorate’s work has not previously been covered, there has been a great deal of activity in the six month period. The key areas of focus have been the Lower Thames Crossing and London Resort proposals, although resource has also been put to dealing with, or at least tracking, the following other projects:

- Tilbury 2
- Thurrock Flexible Generation Plant
- Riverside Energy Park
- A2 Junctions (Bean and Ebbsfleet)
- Medway Housing Infrastructure Fund (HIF) Project
- Allington Energy and Waste Facility

3.2 Key areas of activity in the six-month period have been:

- The Supplementary Consultation for Lower Thames Crossing was extended by one week until 2 April 2020, with the Design Refinement Consultation taking place in July 2020, giving stakeholders, including the Council, just four weeks to respond. Full responses were submitted on behalf of the Council.
- In June, the Council was consulted on London Resort Environmental Scoping report and, in July, the Council provided its comments on London Resort's draft Statement of Community Consultation. Also in July, the Planning Inspectorate consulted the Council on London Resort's request for a scoping opinion under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The Council responded to the further round of statutory consultation which was carried out between 27 July and 21 September 2020.
- In June, the Council was consulted by the Planning Inspectorate on the adequacy of consultation for Thurrock Flexible Generation Plant and a response provided.

4. Staffing

- 4.1 Whilst The last two years has seen the need to use agency staff and other 'consultants' within the Development Management team due to difficulties in attracting permanent staff generally within the planning profession, the last six months has seen the appointment of new officers with both entry-level and more advanced experience, enabling us to become fully staffed once again. A number of these officers are part-time but this provides a degree of flexibility within the service. Below is a graph showing staffing changes (people as opposed to FTEs) over the past two years.
- 4.2 The Policy team has had a stable staffing structure in recent years, with just one post currently remaining vacant. An additional part-time team member has been employed on a short, fixed-term contract to provide some specific support.

5. What significant issues, improvements and changes have occurred to date and what is planned

- 5.1 In the previous report, with a particular focus on the Development Management service, changes were set out, which have led to an improved service offered to applicants, agents and the public generally. This journey has continued during the recent six-month period, and include:
- Ensuring a fully resourced and skilled workforce;
 - Further investment in IT, which has enabled a near 'business as usual' service to be maintained during the Covid-19 pandemic;
 - Work towards a planned Agents' Forum, with an initial questionnaire prepared and a registration process created. This is being progressed in order that an inaugural meeting can be held at the earliest opportunity.
 - The finalised Maintenance / Replacement of Windows and Doors Guidance in Conservation Areas has been adopted as a Supplementary Planning Document.
 - During the period, the Council consulted on its Draft Householder Extensions / Alterations Design Guidance Supplementary Planning Document (SPD), and Local Green Space whereby local stakeholders were asked to nominate sites for the Council to consider in its emerging plan and to comment on the criteria

that will be used to assess these nominations. Both consultations ended on Tuesday 29 September 2020

- 5.2 For a long time the Council has been seeking to push forward what were regarded as 'stalled' sites, with a focus on those larger sites where extant permissions exist or have previously been granted but have expired. Work has progressed well with resolutions being made to grant planning permission (subject to conditions and Section 106 Agreements) in June in respect of The Charter, M Block and Clifton Slipways, with work progressing in respect of land in the Canal Basin area and Lord Street.
- 5.3 The former police station site in Windmill Street has recently been sold on and details of the new owner's intentions are awaited. However, given ongoing concerns regarding lack of progress, authority has been obtained from Cabinet, in principle, to pursue Compulsory Purchase Order action should the requirement arise.
- 5.4 There has been a range of changes to planning legislation (summarised at Appendix 3), a key change being a significant reform of the Use Classes Order, with the Regulations taking effect in England on 1 September, creating:
- Class E (Commercial, Business and Service)
 - Class F.1 (Learning and Non-residential institutions) and
 - Class F.2 (Local community)

The Order also defined certain uses which cannot be included in a specified class (Sui Generis) and a presentation on these changes was given at Strategic Environment Cabinet Committee on 28 September.

- 5.5 In addition to the above, with the assistance of the corporate improvement team, officers are responding to the recommendations proposed during the Peer Review in accordance with the actions agreed with Members. This work will be reported in due course.

6. Recommendations

- 6.1 This report is primarily submitted to assist the committee in monitoring Planning activity. However, Members are requested to:
- a) Discuss and comment upon the information provided; and
 - b) Identify other areas of performance they wish to see included in future reports.

7. BACKGROUND PAPERS

- 7.1 There are no background papers pertaining to this report.

IMPLICATIONS	APPENDIX 1
Legal	The Council's development management and planning policy functions are statutory services, with all work in these fields being undertaken in line with legislative requirements.
Finance and Value for Money	The work relating to development management and enforcement is fully funded and the Council has established a Local Plan reserve to fund its work in that regard.
Risk Assessment	<p>The processing of planning applications is closely monitored to ensure the Council does not fail to deliver against the government's speed and quality of decisions monitoring framework.</p> <p>Progress with the Local Plan is being closely monitored to ensure that any slippage can be addressed in order to deliver within the timetable set out within the recently published Local Development Scheme.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data?</p> <p>No</p> <p>A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p> <p>N/A</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.</p> <p>No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.</p> <p>No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Corporate Plan	<p>#1 People: <i>a proud community; where residents can call a safe, clean and attractive borough their home.</i></p> <p>#2 Place: <i>a dynamic borough; defined by a vibrant and productive local economy taking advantage of growth in the area, supported by its strong and active community.</i></p> <p>#3 Progress: <i>an entrepreneurial authority; commercial in outlook and committed to continuous service improvement, underpinned by a skilled workforce and strong governance environment.</i></p>

Crime and Disorder	There are no crime and disorder issues pertaining to this report.
Digital and website implications	The Council's various digital platforms will be used to promote consultation and make material available to the public.
Safeguarding children and vulnerable adults	There are no safeguarding issues pertaining to this report.

Background to performance monitoring within the planning service

As advised in previous reports, performance relating to the processing of planning applications is collected at Gravesham as previously required under the old National Indicator 157, and figures in this format are still reported to government on a quarterly basis. The NI157-based targets are:

Major developments: to determine 60% of applications within 13 weeks.

Minor Developments: to determine 70% of applications within 8 weeks.

Other Developments: to determine 70% of applications within 8 weeks.

However, it should be noted that not all applications determined by this authority are monitored through the Council's PS2 returns to government (upon which national comparisons are based), exceptions including approval / removal of conditions, consultations by neighbouring authorities, non-material and minor-material amendment applications, request for a scoping opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, confirmation that conditions have been complied with, prior approval applications, etc.

Furthermore, there are occasions when, for perfectly acceptable reasons, e.g. an applicant being required to submit further necessary information or scheme amendments to make the proposal acceptable, when extensions of time (EOT) are negotiated with an applicant / agent. In those instances, provided the decision is made within the extended period agreed, the decision is considered to have been made within the target period.

Whilst these figures remain helpful for the purposes of management performance monitoring, perhaps of greater importance are those figures collected that identify 'failing' authorities where government will consider taking action.

"Improving planning performance Criteria for designation", which was last revised in 2018 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf, sets out the criteria which the government intends to use to designate local planning authorities if their performance in handling planning applications falls below a satisfactory level, under the powers contained in section 62B of the Town and Country Planning Act 1990.

Section 1 of the Growth and Infrastructure Act 2013 inserted sections 62A and 62B into the Town and Country Planning Act 1990 ("the 1990 Act"). Section 62A allows certain applications to be made directly to the Secretary of State, where the local planning authority for the area has been designated for this purpose. Section 62B requires that the criteria for any such designation, or for revoking a designation, must be set out in a document published by the Secretary of State and laid before Parliament.

These statistics are monitored on a cumulative basis over a two-year period, although officers monitor the trajectory on a quarterly basis to ensure unanticipated problems do not arise. The government refers to this as the 'speed of decision' test.

The most recent monitoring covers the period from 1 October 2017 to 30 September 2019, so we are able to report on the outcome of the full monitoring period.

When a planning application is refused, the applicant has the right to appeal. The timescale for lodging an appeal varies depending on whether the application relates to a householder matter, non-householder matter or whether the proposal has also been the subject of an Enforcement Notice.

Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.

Where the Council has taken enforcement action through the serving of an Enforcement Notice then an appeal can be lodged in relation to that. An appeal cannot be lodged though in relation to a breach of condition notice on the basis primarily that if the individual did not like the condition then they could have appealed against that at the time it was originally imposed.

The appeals are determined by Inspectors appointed by the Secretary of State and administered by the Planning Inspectorate, which informs the Council of the Inspector's decision.

An appeal may be determined after a Public Inquiry, a Hearing or written representations. It is possible for cost applications to be made either by the appellants against the Council or vice versa if it is alleged that either has acted in an unreasonable way. Powers have now been introduced for Inspectors to award costs if they feel either party has acted unreasonably, irrespective of whether either party has made an application for costs.

It is possible for decisions made by Inspectors on appeal to be challenged through the Courts, but only if it is considered that an Inspector has erred in law, for instance by not considering a relevant issue or not following the correct procedure. A decision cannot be challenged just because an Authority or appellant does not agree with it. A successful challenge would result in an Inspector having to make the decision again in the correct fashion, e.g. by taking into account the relevant factor or following the correct procedure. This may lead ultimately to the same decision being made.

It is possible for Planning Inspectors to make a 'split' decision, where they allow one part of an appeal but not another. This is not possible for the Council when it makes its original decision on the planning application other than for advertisement applications.

The government also monitors a number of appeal decisions on a similar basis to that for 'speed of decision' mentioned above, under the banner of the 'quality of decision' test. Whilst officers monitor all appeal decisions and seek to learn from those where the Council's decision has been overturned, it is the quality of decision monitoring that is considered particularly relevant.

The period for which this cumulative performance is gathered is different to that for the speed of decision, and the most recent monitoring covered the period from 1 April 2018 to 31 March 2020, so we are able to report on the outcome of that full monitoring period. We are also able to report on progress with the first three-quarters of the 1 April 2019 to 31 March 2021 monitoring period

The authority also provides a pre-application advice service and determines applications relating to works to trees (Tree Preservation Order and Conservation Area-related). Statistics for the past six months are provided in respect of these functions also.

The Council has a duty to investigate complaints about development, including building and engineering works and changes of use that may have been carried out without permission or consent, and breaches of conditions imposed on planning applications. This work is undertaken by the planning enforcement team.

In the vast majority of cases planning permission is required before a new use begins or activities are carried out. However, some minor works or changes of use do not require permission, but this should be clarified beforehand to avoid any confusion. Where this

control is breached, the enforcement team will investigate the matter. It is important, however, to realise that enforcement action is taken at the discretion of the Council.

Planning enforcement is a very complex area. The legal processes involved are often lengthy and complicated and an 'instant response' or resolution cannot be guaranteed. Furthermore, in dealing with breaches there is a need to strike a balance between protecting the environment, protecting the amenities of neighbours and conserving historic building and areas, whilst at the same time enabling the freedom of the owners to use or alter their property as they wish, even though it may initially have been unauthorised.

A Development Plan (or Local Plan) sets out the planning policies that guide development in the borough. By law, we must determine planning applications in accordance with our Local Plan, while also taking into account any other material considerations.

The Local Plan for Gravesham currently consists of:

- Gravesham Local Plan Core Strategy and Policies Map (adopted December 2014);
- Gravesham Local Plan First Review – Saved Policies; and
- Kent Minerals and Waste Local Plan 2013-30 (adopted July 2016).

Officers are currently progressing a number of work streams, including preparation of a Local Plan Core Strategy Partial Review and a Site Allocations and Development Management Policies document. The Development Management Policies, when adopted, will replace the remaining saved policies in the Gravesham Local Plan First Review.

Summary of recent legislative changes that have been laid / brought into force and that relate to Town and Country Planning matters in England

Title	Brief summary	Status	Date due / came into force
Business and Planning Bill 2019-21	The Bill responds to the Covid-19 emergency and brings forward temporary changes to the planning system to support economic recovery. There is guidance available to support the Bill.	In force	22/07/2020
The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2020	The Government is introducing a new permitted development right to allow purpose built detached blocks of flats, of 3 storeys or more, to be extended upwards to create new homes. These regulations prescribe the fees to be payable to local planning authorities for applications for prior approval for these new permitted development rights.	Draft – not made	Twenty eighth day after the day on which they are made
The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020	These Regulations amend the Town and Country Planning (Use Classes) Order 1987) as it applies to England. The changes made by these Regulations create new use classes in relation to England contained in the new Schedule 2 to the amended Order namely, Class E (Commercial, Business and Service), Class F.1 (Learning and Non-residential institutions) and Class F.2 (Local community). It also moves certain uses which were in the Schedule to the Use Classes Order into regulation 3(6) (namely, uses which cannot be included in a specified class).	In force	01/09/2020
The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020	<p>Introduces a new permanent permitted development right to allow for the demolition of certain types of buildings and replacement build as residential to create new homes, while allowing for local consideration of key planning matters.</p> <p>Will apply to vacant and redundant free-standing buildings that fell within the B1(a) offices, B1 (b) research and development, B1 (c) industrial processes (light industrial), and free-standing purpose-built residential blocks of flats (C3) use classes on 12 March 2020, the date of Planning for the future.</p>	In force	31/08/2020

Title	Brief summary	Status	Date due / came into force
	<p>To provide that the right applies to buildings that are vacant and redundant and are no longer suitable for modern use the right will apply to those built before 1 January 1990.</p> <p>The right provides for the new residential building to be up to 7 metres higher than the old to accommodate up to two additional storeys to provide additional homes, within a final overall maximum height of 18 metres.</p> <p>The right allows for local consideration of specific planning matters through prior approval.</p>		
<p>The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020</p>	<p>This Order amends the Town and Country Planning (General Permitted Development) (England) Order to introduce a permanent permitted development right to allow existing houses to be extended to provide more living space by constructing additional storeys.</p> <p>Introduces permanent permitted development rights to allow the construction of additional storeys on free standing blocks and on buildings in a terrace that are houses or in certain commercial uses, and in mixed uses with an element of housing, to create additional self-contained homes.</p> <p>The right applies to houses built since 1 July 1948 and 28 October 2018.</p> <p>The right is subject to obtaining prior approval from the local planning authority</p>	<p>In force</p>	<p>31/08/2020</p>
<p>The Town and Country Planning (Spatial Development Strategy) (Coronavirus) (Amendment) Regulations 2020</p>	<p>Amends the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 and the Combined Authorities (Spatial Development Strategy) Regulations 2018 to remove, on a temporary basis, the requirements on the Mayor of London and combined authorities with spatial development strategy making powers to make certain documents available for physical inspection and to provide hard copies on request. The temporary modifications will only apply until 31 December 2020. The documents will, instead, need to be made available on the relevant authority's website.</p>	<p>In force</p>	<p>12/08/2020</p>

Title	Brief summary	Status	Date due / came into force
The Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020	The Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 amend, on a temporary basis, certain requirements placed on applicants (and the Secretary of State, where appropriate) to make certain documents available at places, including in the vicinity of a proposed project for inspection. The amendments provide for the guidance. The amendments will apply until 31st December 2020.	In force	22/07/2020
The Community Infrastructure Levy (Coronavirus) (Amendment) (England) Regulations 2020	New regulations make provision to enable a CIL collecting authority (in certain circumstances and if it is considered appropriate), to defer CIL payments, to credit late payment interest accrued, and to disapply, for a limited time, late payment interest and surcharges for late payment. These provisions are a time limited response to the economic impact of coronavirus and will only apply in respect of small/medium sized developers.	In force	22/07/2020
The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020	Amends the Town and Country Planning (Local Planning) (England) Regulations 2012 to remove, on a temporary basis, the requirements on local planning authorities to make certain documents available for inspection at premises and to provide hard copies on request. The temporary modifications will only apply until 31 December 2020. The documents will still need to be made available on the local planning authority's website.	In force	16/07/2020 & 12/08/2020
The Environmental Assessment of Plans and Programmes (Coronavirus) (Amendment) Regulations 2020	Amend the Environmental Assessment of Plans and Programmes Regulations 2004 on a temporary basis until 31 December 2020. Modifies requirements placed on responsible authorities and the Secretary of State for documents relating to strategic environmental assessment ("SEA") to be available for physical inspection by members of the public at an address, for consultees to be informed of that address and for a copy of those documents to be available to be obtained from that address. This instrument will temporarily replace this with a duty to make the documents available for online inspection, and for consultees to be informed of the website address where this can be inspected.	In force	16/07/2020

Title	Brief summary	Status	Date due / came into force
Ministerial Statement Planning update: Written statement - HLWS311	Sets out supporting temporary measures to the Business and Planning Bill that the Government proposes to ensure the planning system continues to operate effectively (some are now reflected in the legislative provisions above and below).	In force	25/06/2020
The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020	<p>Amend the Town and Country Planning (General Permitted Development) (England) Order 2015 to allow development to assist in supporting the Government's economic renewal package following the coronavirus outbreak. They provide an additional allowance for the temporary use of land from 1st July 2020 to 31 December 2020. They also introduce a new permitted development right to allow a local authority to hold a market for an unlimited number of days without the requirement to submit an application for planning permission.</p> <p>Introduce a permanent permitted development right to allow additional storeys to be constructed on existing purpose-built blocks of flats to create new homes.</p> <p>Amend existing permitted development rights to ensure that new homes developed through permitted development rights provide adequate natural light for the occupants.</p> <p>Amend to limit the compensation liability where a local planning authority withdraws the new permitted development right to extend upwards existing purpose-built blocks of flats to create additional homes by making a direction under article 4 of the General Permitted Development Order.</p>	In force	25/06/2020 and 01/08/2020
The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020	<p>Amend, on a temporary basis, certain requirements placed on local planning authorities and applicants for development requiring an Environmental Impact Assessment (EIA) for publicity and inspection of documents where the authority or applicant (as the case may be) is not able to comply with a particular requirement because it is not reasonably practicable to do so for reasons connected to the effects of COVID-19, including restrictions on movement.</p> <p>In order for local planning authorities to continue to make sound decisions on planning applications during the response to coronavirus, this instrument gives them more flexibility to meet their publicity requirements.</p>	In force	14/05/2020

Title	Brief summary	Status	Date due / came into force
The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020	Amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the General Permitted Development Order”) to introduce a new permitted development right to allow local authorities and health service bodies to carry out development, both works and change of use, of facilities required in undertaking their roles to respond to the spread of coronavirus, without a requirement to submit a planning application.	In force	09/04/2020

Source: <https://local.gov.uk/sites/default/files/documents/Recent%20planning%20related%20legislative%20changes%20July%202020.pdf>

Updated guidance notes

Permitted development rights for householders: technical guidance

<https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>

Fast-track planning for brownfield regeneration: key facts brief

<https://www.gov.uk/government/publications/permitted-development-rights-and-changes-to-the-use-classes-order/fast-track-planning-for-brownfield-regeneration-key-facts-brief>

(this is ‘demolition of buildings and construction of new dwelling houses in their place’)

Fast-tracked approval for building upwards: key facts brief

<https://www.gov.uk/government/publications/permitted-development-rights-and-changes-to-the-use-classes-order/fast-tracked-approval-for-building-upwards-key-facts-brief>

Flexible use on the high street: key facts brief

<https://www.gov.uk/government/publications/permitted-development-rights-and-changes-to-the-use-classes-order/flexible-use-on-the-high-street-key-facts-brief>

Permitted development rights – new homes to meet space standards

<https://www.gov.uk/government/news/permitted-development-homes-to-meet-space-standards>