

Report of	Meeting	Date
Director of Customer and Digital	Development Control Committee	16 July 2019

## THE MOOR INN SECTION 215

### PURPOSE OF REPORT

- Authority is sought to issue a notice under Section 215 (S215) of the Town and Country Planning Act (1990) 'Power to require the proper maintenance of land'.

### RECOMMENDATION(S)

- That authority be granted to issue a S215 notice in respect of the Moor Inn, 26 Moor Road Chorley.

### EXECUTIVE SUMMARY OF REPORT

- The current investigation into this site was commenced internally by the new Enforcement Team, although subsequent complaints have been received about the state of the premises. A warning letter has been issued requesting that the landowner of The Moor Inn, 26 Moor Road, Chorley, PR7 2LN (the Land) improve the visual appearance of the property. No such improvements have been made and so it is considered expedient to issue a S215 Notice. It is proposed that the S215 require the following actions from the landowner:
  - Securely fence the Land so it cannot be accessed by the public;
  - Demolish the vacant pub 'The Moor Inn';
  - Remove all waste and other loose items from the Land.

### Period For Compliance

- 84 days. An initial 28 days must pass prior to the notice coming into force and so there will be 112 days in total from service of the notice until the period for compliance expires.

Confidential report Please bold as appropriate	Yes	No

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities	x	An ambitious council that does more to meet the needs of residents and the local area	

## BACKGROUND

6. If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under S215. The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.
7. Whilst there have been historic complaints and subsequent investigations relating to this site, the most recent investigation commenced in April 2019 by the new Enforcement Team. The building has been vacant for some time and is becoming a fly-tipping hotspot affecting the visual amenity of residents to the rear of the premises. Moor Road is also a busy route into Chorley and the derelict nature of the pub is causing substantial harm to the visual amenity of the area. A warning letter was issued on 8<sup>th</sup> April 2019 requesting that the landowner undertake a number of actions to improve the state of the Land by the end of June 2019 or risk a Section 215 Notice being issued.
8. No significant improvement has been made to the land since the warning letter was issued and so it is requested that a S215 Notice be issued.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. Alternative options considered were:
  - a. To issue a Community Protection Notice (CPN), however, unlike a S215 Notice there is no power for Direct Action to be undertaken by the Council, i.e. make the improvements ourselves, and then place a charge on the land, should the landowner not comply with the Notice within the given timescale.
  - b. To only require the clearance of waste material and to secure the Land.
10. A S215 was selected over a CPN as it allows Direct Action to be undertaken by the Council (under S219 of the Act), i.e. make the improvements ourselves, and then place a charge on the land, should the landowner not comply with the Notice within the given timescale.
11. Planning permission exists on the Land for the demolition of the building and erection of two buildings comprising 8 apartments. Although including the demolition of the building within the S215 notice means the compliance timescale needs to be much longer, it should stop the recurring issue of fly tipping behind the pub and will improve the appearance of the Land.

## IMPLICATIONS OF REPORT

12. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	x
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

13. No comment

**COMMENTS OF THE MONITORING OFFICER**

14. The proposed course of action is reasonable and proportionate. The report demonstrates the involvement of the Enforcement Team and the previous actions taken. This is a reasonable escalation which will require the owner to take action to the benefit of the amenity of the area.

ASIM KHAN  
DIRECTOR OF CUSTOMER AND DIGITAL

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>
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