

Report of	Meeting	Date
Enforcement Team	Development Control Committee	16 th July 2019

141 BLACKBURN ROAD 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 it is expedient to issue a S215 notice in respect of the following amenity issues:
 - The land is causing unacceptably adverse effects on the visual amenity of the area by virtue of the overgrown nature of the vegetation in the front and rear garden.

EXECUTIVE SUMMARY OF REPORT

- A warning letter has been issued requesting that the occupant of No 141 Blackburn Road, Heapey, Chorley, PR6 8EJ 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:
 - Remove all trees from the front garden.
 - Cut any grass in front garden to within 2" from the ground and remove all cuttings from the Property.
 - Removed all trees and bushes and shrubs and weeds from the rear garden/yard.
 - Remove the wooden structure from the rear garden/yard.
 - Remove all tree, bushes and other vegetation cuttings from the property.
 - Repair the rear gate and posts.

Confidential report Please bold as appropriate	Yes	No

Period For Compliance

- 28 days. An initial 28 days must pass prior to the notice coming into force and so there will be 56 days in total from service of the notice until the period for compliance expires.

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	X
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and	X

	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. Initially this matter was raised to Chorley Council by the neighbouring residents on the 29th March 2018. Over the time since these original complaints, Chorley Council has made extensive enquiries with regards to the ownership of the house and thus who is responsible. The owner of the property was identified and found to be living in the USA. Letters have been sent to two known addresses of the owner. There has been no response.
- 8. On the 10th June 2019 a formal S215 warning letter was sent to the owner at the addresses recorded. Accompanying the letter were pictures of the property and those of the neighbouring properties.
- 9. Further to the above, on the 7th July 2019 an email was sent to the owner and a 'read-receipt' was received. The owner has not responded to any of this correspondence.
- 10. No 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

- 11. Alternative options considered were:
 - a. To issue a Community Protection Notice, 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.
- 12. To have the land restored to a state which no longer has a negative impact upon the visual amenity of the area.
- 13. Unlike with a Community Protection Notice (CPN), a S215 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.

IMPLICATIONS OF REPORT

- 14. 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

15. No comment

COMMENTS OF THE MONITORING OFFICER

16. Legal comments are contained in the body of the report. The actions taken to serve the initial notice are evidence of service.

ASIM KHAN
DIRECTOR OF CUSTOMER AND DIGITAL

Report Author	Ext	Date
Mike Halsall	5226	8 th July 2019