

Report of	Meeting	Date
Planning Services	Planning Committee	3 March 2020

## **ENFORCEMENT ITEM**

### **UNTIDY LAND AT THE OLD GAS WORKS, 28 STATION ROAD, CROSTON (PR26 9RJ)**

#### **PURPOSE OF REPORT**

1. 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'.

#### **SUMMARY OF THE LEGISLATION**

2. 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.

#### **RECOMMENDATION(S)**

3. That it is expedient to issue a S215 notice in respect of the following amenity issue:

The land is causing unacceptable adverse effects on the visual amenity of the area by virtue of numerous items in the yard that is surrounded by residential housing and fronts Station Road, including, but not limited to; heavy machinery, building paraphernalia including wood, plastic, bricks, pallets, unkempt trees, weeds and containers.

#### **EXECUTIVE SUMMARY OF REPORT**

4. Following works to the dangerous building adjacent the highway in late April 2019, a warning letter in the form of an e-mail was sent at 10.57 a.m. on Thursday 25<sup>th</sup> April 2019 requiring that by the end of May 2019 the landowner undertake a number of actions to improve the state of the land or risk a S.215 Notice being issued. Due to health issues of the landowner this deadline was extended to the end of July 2019.

To date, no significant improvements have been made to the land and so it is considered expedient to issue a S215 notice.

5. It is proposed that the S215 require the following actions from the landowner:
  - a. Remove the machinery, vehicles and rubbish piled within them;
  - b. Remove the containers from the property; and

- c. Remove all rubble, metal poles, concrete slabs, heras fencing, bricks, tiles, gas bottles, plastics, wood, piles of soil, wheelbarrows, sacks, bags and other loose items from the land and buildings including all building waste and paraphernalia.
- d. Remove excess vegetation and cut back bushes/trees etc
- e. Take all reasonable steps to ensure that the Property is kept clean and tidy and kept in a good standard of repair and condition.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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## PERIOD FOR COMPLIANCE

- 6. 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

- 7. 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 the local area	X

## REASONS FOR RECOMMENDATION(S)

- 8. To have the land restored to a state which no longer has a negative impact upon the visual amenity of the area.

## BACKGROUND AND ASSESSMENT

- 9. 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.
- 10. This was initially a joint enquiry with Building Control and Planning Enforcement. Work was completed initially for Building Control in late April 2019, due to a dangerous building adjacent to the highway. A warning letter in the form of an e-mail was sent at 10.57 a.m. on Thursday 25<sup>th</sup> April 2019 requiring that by the end of May 2019 the landowner undertake a number of actions to improve the state of the Land or risk a S. 215 Notice being issued. Due to health issues of the landowner this deadline was extended to the end of July 2019.

Further complaints from the residents of the Station Road and Cllr Sloan have been received regarding the state of the land.

To date, no significant improvements have been made to the land.

The land is causing unacceptable adverse effects on the visual amenity of the area by virtue of numerous items in the yard including, but not limited to; heavy machinery, building paraphernalia including wood, plastic, bricks, pallets, unkempt trees, weeds and containers.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

11. Alternative options considered were:
  - a. To issue a Community Protection Notice (CPN), however, unlike a S215 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. 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.

## **COMMENTS OF THE STATUTORY FINANCE OFFICER**

13. The costs of the initial enforcement action can be contained within current cash budgets. Additional costs will only be incurred if the works are not undertaken within the set timeframe by the landowner. These costs can be recovered by placing a land charge on the property.

## **COMMENTS OF THE MONITORING OFFICER**

14. This notice is used to maintain and improve the quality of the environment, to assist in tackling dereliction and retaining land in a productive use as well as contributing to the regeneration of an area and responding positively to public concerns.
15. The minimum compliance period allowed under Section 215 of the Town and Country Planning Act 1990 is 28 days. The notice will be registered as a local land charge and binding on all future owners. The recipient has the right of appeal against the notice to the Magistrates' Court. Appeal grounds include that the requirements of the notice are excessive and/or that the compliance period is unreasonable. Failure to comply with the notice by the end of the compliance period may result in a criminal prosecution in the Magistrates' Court. The maximum fine is £1,000

**ASIM KHAN**  
**DIRECTOR OF CUSTOMER AND DIGITAL**

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>
Jen Parker	5286	21 February 2020