

Report of	Meeting	Date
Director of Customer and Digital	Development Control Committee	21 Nov 2018

ENFORCEMENT ITEM

UNTIDY LAND AT 43 GREENSIDE, EUXTON, CHORLEY, PR7 6AS

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'.

SUMMARY OF THE LEGISLATION

- 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)

- 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 an unroadworthy vehicle filled with rubbish located on the front drive, various other items in the front garden, a large quantity of cuttings to the rear garden and the general unkempt nature of the property.

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	X

Remedy for the untidy land

- It is proposed that the S215 require the following actions from the landowner:
 - Remove motor vehicle from the property – having regard to the requirements of road

- traffic legislation for vehicles 'used' on the highway.
- b. Remove bags and all contents from the front garden and remove from the Property.
 - c. Remove all wood including – pallets, sawn, stacked or otherwise from the front garden and remove from the Property.
 - d. Remove all items of children's play equipment from the front garden and remove from the Property.
 - e. Remove assorted buckets, bowls, planters, plant pots from the front garden and remove from the Property.
 - f. Cut grass in in front garden to within 2" from the ground and remove all cuttings from the Property.
 - g. Weed and sweep drive and pathways in front garden and remove all weeds and sweepings from the Property.
 - h. Remove all tree, bushes and other vegetation cuttings from the rear of the property.

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.

Reason for Issue of S215

7. The land is causing unacceptably adverse effects on the visual amenity of the area.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

8. To have the land restored to a state which no longer has a negative impact upon the visual amenity of the area.
9. Unlike with a Community Protection Notice (CPN), a S215 allows 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.

BACKGROUND AND ASSESSMENT

10. A complaint relating to the visual appearance of this Land was first received in July 2016. Subsequently, following a written warning on 4th August 2017, a Community Protection Notice (CPN) (Serial Number: 16/00291) was issued on 12th September 2017 requiring that by 16th October 2017 the landowner undertake a number of actions to improve the state of the Land.
11. Whilst the land has been improved somewhat since that time, a site visit of 20th September 2018 revealed that a number of the actions, required by the CPN, had not been undertaken. A subsequent warning email on 27th September 2018 and a letter dated 8th October 2018 was sent to the landowner requesting compliance with the CPN or risk a S215 Notice be issued. No improvements have since been made to the land.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

12. Alternative options considered were:
 - a. To prosecute based upon non-compliance with the CPN, however, this would not achieve the improvement of the land, in fact it may be counter-productive should the owner be fined and have less money to implement the improvements.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

14. 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

15. 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 contribute to the regeneration of an area and respond positively to public concerns.
16. 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

Report Author	Ext	Date
Mike Halsall	5226	13 November 2018