

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

ENFORCEMENT ITEM

UNTIDY LAND AT 12 HOLLINSHEAD STREET, CHORLEY, PR7 1EP

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 issue:
 - The land is causing unacceptably adverse effects on the visual amenity of the area by virtue of numerous items in the rear garden/yard area including, but not limited to; a boat, metal poles, rubble, concrete slabs, a van, wood and window frames.

Confidential report Please bold as appropriate	Yes	No
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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 the boat and rubbish piled within it;
 - Remove the van from the property; and

- c. Remove all rubble, metal poles, concrete slabs, heras fencing, bricks, gas bottles, plastics, wood, piles of soil, wheelbarrows, sacks and other bags and lose items from the property.
- d. Take all reasonable steps to ensure that the Property is kept clean and tidy and kept in a good standard of repair and condition.

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.

BACKGROUND AND ASSESSMENT

- 9. Whilst there have been other historic investigations into this property by enforcement officers following complaints, this latest investigation arose internally within the Council. Following the establishment of the Council's new Enforcement Team, all historic enforcement cases are being reviewed. Following a site visit in September 2018, a warning letter was issued to the landowner on 4th October 2018 requiring that by 1st November 2018 the landowner undertake a number of actions to improve the state of the Land or risk a S215 Notice being issued. Whilst some soil moving activities appear to have taken place, no significant improvements have been made to the land.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 10. Alternative options considered were:
 - a. Serving a CPN, however, 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. This is not the case with a CPN.

IMPLICATIONS OF REPORT

- 11. 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

12. 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

13. 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.
14. 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