

**E/08/0254/A – Untidy condition of land at 39 Grace Gardens,
Bishop's Stortford CM23 3EU**

WARD: BISHOP'S STORTFORD – THORLEY WARD

PARISH: BISHOP'S STORTFORD CP

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to issue and serve a Notice under s.215 of the Town and Country Planning Act 1990 and to take any other steps as may be required to secure: -

- a) The removal of all the overgrown vegetation and rubbish from the front and rear gardens of the property;
- b) The repair of the front first floor window;
- c) The repair or replacement of the rear door and kitchen window;
- d) The replacement of the fascia board and guttering on the front of the property.
- e) Any other works required to ensure the property is water tight.
- f) Leave the site in a clean and tidy state.

Period of compliance: 3 Months

Reasons why it is expedient to issue a s.215 Notice:

The condition of the land is detrimental to the amenity of the surrounding area, by reason of the overgrown vegetation in the gardens and by the poor state of the dwelling. It is contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. The property is located on the southern side of Bishops Stortford and to the west of London Road and comprises a two storey semi-detached house.
- 1.2 On the 16th May 2008 a complaint was received regarding the poor condition of the land. A site visit was made and photographs taken showing that the site was completely overgrown and the house in a state of disrepair.

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- 1.3 As no response was received from the owner of the property to letters from the Council, the Development Control Committee, on the 28th September 2008, authorised the issue and service of a s215 notice requiring: -
- a. the removal of all overgrown vegetation and rubbish from the front and rear gardens;
 - b. the repair of the front first floor window and repainting of the external door and all window frames along with any other works required to ensure the property is water tight;
 - c. the replacement of the guttering and soffit boards to the property;
 - d. leave the site in a clean and tidy condition.
- 1.4 The notice, served on the 24th October 2008, came into effect on the 24th November 2008 and allowed 90 days for compliance. However, during a visit to the site on the 24th February 2009 it was evident that the vegetation had been reduced but that no action had been taken in regard to the dwelling.
- 1.5 During a recent visit to the area it was found that the vegetation had grown again and the state of the dwelling had further deteriorated.
- 1.6 Photographs of the site will be available at the committee meeting.

2.0 Planning History

- 2.1 There is no planning history.

3.0 Policies

- 3.1 The relevant policy in this matter is ENV1 of the East Herts Local Plan Second Review April 2007.

4.0 Considerations

- 4.1 The use of s215 by the local planning authority is discretionary and therefore it must consider the condition of the land, the impact on the surrounding area and the scope of its powers. The scope of works that can be required in s215 notices is wide and includes planting, clearance, tidying, enclosure, demolition, rebuilding, external repairs and repainting.

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- 4.2 The condition of the land and the effect on the amenity of the land is judged on a fact and degree basis and in this case, Officers consider that the condition of the front and rear gardens and the dwelling itself is adversely affecting the amenity of the surrounding area, and therefore, Officers consider that a s215 notice is appropriate.
- 4.3 It is also considered necessary to pursue legal proceedings if the owner fails to comply with the requirements of the notice. Members should also note that if the owner continues to fail to comply with the notice after conviction, there is a continuing offence which could be the subject of further proceedings.

5.0 Recommendation

- 5.1 In view of the above it is recommended that authorisation be given to issue and serve a s.215 Notice, requiring the actions at the start of the report to be undertaken, and for any action to be taken to rectify this breach of planning control.

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