

5j E/11/0046/B - Untidy condition of land at 17 Paget Cottages, Dane End, Ware, SG12 0NL

WARD: MUNDENS AND COTTERED WARD

PARISH: LITTLE MUNDEN

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 stored paraphernalia and rubbish from the front and rear gardens of the property.
- b) Leave the site in a clean and tidy condition.

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 and stored rubbish and paraphernalia in the gardens. 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 northern side of Munden Road, Dane End and comprises a two storey semi-detached house. The access to the front garden area is via a path off Munden Road and with access to the rear via a small road off Windy Rise, a side turning.
- 1.2 In 2000, concerns were expressed about this site, but whilst the site was tidied by the owner, the substantive issue was never fully resolved.
- 1.3 On the 14th February 2011, a complaint was received regarding the condition of the site. A visit was made and photographs taken showing that the rear of the site was very untidy with stored paraphernalia and rubbish.
- 1.4 On the 24th May 2011, a letter was sent to the owner of the property asking that the site be cleared of accumulated waste material to include

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old wood, pallets and plastic to the satisfaction of the local authority. The owner advised officers that the rear garden would be cleared of rubbish by the end of March 2012. However, this was not achieved. Further visits showed that the site had been tidied by careful stacking of the paraphernalia.

- 1.5 However, a further visit in August 2012 showed that the stored material in the rear garden area was still evident and part of the front garden was overgrown. A further letter was sent to the owner asking for him again to clear the site.
- 1.6 No reply was received so a site visit was made which showed that the front garden area was still overgrown and that stored material was still evident.
- 1.7 Photographs of the site will be available at the committee meeting.

2.0 Planning History:

- 2.1 There is no planning history for this site, except for an enforcement file opened in 2000. Authorisation was granted by the D C Committee for a s215 Notice to be issued; however, the site was tidied and the file closed.

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 Section 215 of the Town and Country Planning Act 1990 provides a local planning authority with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area.
- 4.2 The use of s.215 powers by the local planning authority is discretionary and it is therefore up to the Council to decide whether a notice under these provisions would be appropriate in any particular case. In reaching this decision, it is important to consider the condition of the land; its impact on the surrounding area and what can be achieved through the use of s.215 powers.
- 4.3 In this particular case, Officers are of the view that the untidy condition of the land is detrimental to the appearance of the property itself but also,

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importantly, to the surrounding area such that it has a significant impact on amenity locally.

- 4.4 The scope of works that can be required in a s.215 notices is wide and includes planting, clearance, tidying, enclosure, demolition, rebuilding, external repairs and repainting. In this case, Officers consider that the site would be satisfactorily improved by removing the overgrown vegetation in the gardens and the stored paraphernalia and rubbish.

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 these actions to be undertaken.