

5f E/13/0100/A – Untidy condition of land at 58 Maze Green Road, Bishop’s Stortford, CM23 2PL

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – SILVERLEYS

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to issue and serve a Notice under s.215 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure compliance with the Notice and the improvement of the site by:

1. The removal of all the overgrown vegetation from the front and rear gardens of the property, leaving the site in a clean and tidy condition.

Period for compliance: 30 days

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

1. The condition of the land is detrimental to the amenity of the surrounding area, by reason of the overgrown vegetation in the gardens.

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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 Maze Green Road, Bishops Stortford near its junction with Dane Park. This is a prominent location on a residential road of mixed properties, including Bishops Stortford College.
- 1.2 In July 2002, concerns were expressed to this local planning authority about the untidy state of the land. Officers visited the site and noted that the front garden was slightly overgrown. However, it was considered by officers that it was not expedient to seek authority to issue and serve a s.215 Notice.
- 1.3 In October 2006, further concerns were expressed to the authority about the condition of the dwelling and the front and rear gardens. Officers visited the site and found the gardens severely overgrown to an extent that the neighbour had cut back some of the vegetation in the

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front garden which overhung his property. At the rear, the fencing was broken allowing views of the overgrown rear garden to the neighbours. The house appeared to be in a poor state of repair with the front door boarded up with chipboard.

- 1.4 As no replies were received to letters sent to the owner concerning this matter the facts were referred to the Development Control Committee, seeking authority to issue and serve a s215 notice requiring the tidying of the land.
- 1.5 Following authorisation from the committee, a s215 notice was issued and served on the 14th March 2007. However, the notice was not complied with and in August 2007 it was necessary for this council to take direct action to tidy the site. As the owner failed to pay the costs, it has been necessary to resort to the County Court to get a judgement in our favour. Despite the judgement, no payment has been received. A legal charge is now placed on the property.
- 1.6 Following our direct action, the site once again deteriorated, with the front and rear gardens returning to their overgrown state; the front door remained boarded up; the bargeboards, wooden door and window frames were rotten with the danger of the glass falling out.
- 1.7 It is worth noting that the owner failed to respond to any correspondence or to attend the County Court.
- 1.8 The council issued and served a further s215 notice in January 2010 but once again had to undertake direct action which included tidying the front and rear gardens and the replacement of the windows, doors, bargeboards and guttering.
- 1.9 During recent visits to the area, it is evident that the site has again deteriorated and requires further clearance. It is regretted that the owner fails to communicate with your officers and fails to maintain the property and land. It is anticipated that, in the interests of local amenity and local residents, that the council will have to undertake regular clearance of the land until the property changes ownership. The costs of doing so can be reclaimed at that stage via the imposition of a further charge on the property.
- 1.10 Photographs of the site will be made available at the meeting.

2.0 Planning History:

- 2.1 There is no planning history, except for the issue and service of two

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previous s215 notices as set out above.

3.0 Considerations:

- 3.1 It is the opinion of officers that the amenity of the local area is adversely affected by the condition of the land. The overgrown vegetation is detrimental to the street scene and to neighbours amenity.
- 3.2 The amenity of the local area has been affected for in excess of seven years with local residents having expressed concerns since 2002. It is considered that the owner has been given sufficient opportunities to keep the property maintained in a tidy condition, however, it is now necessary to further pursue this matter.
- 3.3 If further and renewed enforcement action is taken and the owner fails once again to respond or comply with any notice, it will be necessary to take further direct action. The cost of such work is met by the council and if these costs are not recovered it will be necessary to seek judgement again in the County Court and a charge placed on the property, our cumulative costs being recovered when the property is eventually sold.
- 3.4 Failure to comply with the requirements of a s215 notice is an offence and officers will seek the assistance of the legal department to issue a summons to be answered in the local magistrates' court. If convicted, and if the notice is still not complied with, the continuing offence could be subject to a fine for each day that the offence continues. The owner has been advised of this fact and it is hoped that this will encourage them either to make contact with the council to discuss the matter or to rectify this breach.
- 3.5 Officers have considered other options to include:
- Compulsory purchase of the property. This option is very lengthy and expensive and is being considered by colleagues in other departments.
 - No action. It is considered that the condition of the property adversely affects the amenity of the local area and is now affecting the valuations of neighbouring properties. This option has been discounted at this time.

4.0 Recommendation:

- 4.1 In view of the above, it is recommended that authorisation be given to issue and serve a s215 notice requiring the tidying of the site and any

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further action necessary to rectify this breach of planning control.