

**5g E/13/0106/B – Untidy condition of land at 41 Mandeville Road,
Hertford, Hertfordshire, SG13 8JH**

Parish: HERTFORD CP

Ward: HERTFORD CASTLE

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 Section 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 and waste from the front and rear gardens of the property, leaving the site in a clean and tidy condition.

Period for compliance: 30 days

Reason why it is expedient to issue a Section 215 notice:

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

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1.0 Background:

- 1.1 The site is shown on the Ordnance Survey extract. It is located on the southern side of Mandeville Road, and contributes to the street scene as part of a fairly uniform layout, with prominent front gardens.
- 1.2 In April 2013, concerns were expressed to the enforcement team regarding the condition of the land at 41 Mandeville Road. Two letters were sent to the owner as no response was received to the first letter, and subsequently a site visit was arranged with the owner in May 2013.
- 1.3 During the site visit, it was apparent to the Officer that the site was in an extremely poor condition. The front garden was overgrown, with tarpaulin and building materials to the side of the property in front of the garage. The rear garden was severely overgrown with

vegetation and had obviously not been maintained for a very significant period of time. In addition, the rear garden was also peppered with recyclable and waste cartons/packaging, refuse sacks (predominantly filled with garden waste) and other waste paraphernalia.

- 1.4 Photographs of the site will be available at the committee meeting.
- 1.5 After the site visit the owner was sent a further letter outlining the need to urgently address the issues of overgrown vegetation to the front and rear, tarpaulin/building materials to the side, refuse sacks of garden waste and general household rubbish and recycling within 28 days. The owner was also asked to discuss their proposals for tidying the land if the timescale proved challenging.
- 1.6 To date, no further communication has been received from the owner, despite further letters being sent. Officers have revisited the site and very little progress appears to have been made towards tidying the land.

2.0 Planning History:

- 2.1 There is no relevant planning history to report.

3.0 Policy:

- 3.1 The only relevant policy-related consideration is Section 215 of The Town and Country Planning Act 1990 (as amended), which states that

“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 this section.”

- 3.2 There is no statutory definition to guide Officers or Members of when the condition of land can be considered to adversely affect the amenity of the area and a professional planning judgement must therefore be made in each individual case.

4.0 Considerations:

- 4.1 Officers consider that the site is in an extremely poor condition which requires urgent and significant attention. The front garden is

extremely overgrown and, coupled with the tarpaulin and materials stored to the side of the house, is considered to be detrimental to the amenity of the area and harms the street scene, which is characterised by relatively tidy front gardens.

- 4.2 Officers also consider the rear garden to be in an extremely poor condition. The severely overgrown vegetation is evident of a garden which has not been maintained for a number of years. In addition, the garden is also littered with refuse sacks of garden waste, general household rubbish and recyclables and other waste paraphernalia. A dilapidated greenhouse and shed are filled with large amounts of plastic and polystyrene trays. Overall, Officers are of the opinion that the poor state of the garden is having a severely detrimental impact on the amenity of the area, and could be considered to harm the neighbouring occupant's enjoyment of their homes and gardens to some degree.
- 4.3 Whilst Officers are sympathetic to the health concerns expressed by the owner, the site is in such a severely poor condition that the urgent work required to tidy the land cannot be ignored. Tidying the land is likely to take a significant amount of time and effort, and the longer the site is left the more severe the impact on amenity will become.
- 4.4 To date Officers have received little in the way of positive signs that the owner is able or willing to tidy the site, which is in part due to the scale of the problem, the owner's ability to tidy the site and the owner's reluctance to seek outside assistance to do so. Officers therefore feel the need to advise members at this stage that if further enforcement action is authorised and the owner fails to respond or comply with any notice, it will be necessary to take direct action. The cost of such work would be met by the council and if these costs are not recovered it will be necessary to seek judgement in the County Court and a charge placed on the property, the costs being recovered when the property is sold.
- 4.5 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.

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5.0 Recommendation:

- 5.1 In view of the above, it is recommended that authorisation be given to issue and serve a Section 215 notice requiring the tidying of the site and any further action necessary to rectify this breach of planning control.