

5i E/12/0308/B – Untidy condition of land at 17 New Road, Hertford, SG14 3JJ

Parish: HERTFORD

Ward: HERTFORD – BENGEO

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 such other steps as may be required to secure the improvement of the site by:

- The removal of all the stored paraphernalia from the front garden and side access 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 Section 215 Notice:

1. The condition of the land is detrimental to the amenity of the surrounding area, by reason of the use of the front garden and side access for the storage of domestic and other paraphernalia.

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1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract and is located on the northern side of New Road, Bengoe, Hertford, opposite the Holy Trinity Church, in the Conservation Area of Hertford. This is a prominent location on a residential road of mixed properties, which leads to Ware Park to the east.
- 1.2 Concerns have been expressed over many years to this local planning authority about the untidy condition of the land. It appears that a broad spectrum of household goods is continually brought back to the property by the owner. These items are then stored, either in vehicles parked on the road or in the front garden area, and also in the side access area to the garden.
- 1.3 It appears that in June 2004 a combined action by Herts Highways, Herts Constabulary and DVLA resulted in the removal of the vehicles parked on the highway. Officers from this authority also visited the site and met with the owner who agreed to tidy the front garden area. In fact,

the condition of the front garden did improve considerably for some time as a result and it was considered by Officers, at that time, that it was not expedient to seek authority to issue and serve a Section 215 Notice.

- 1.4 However, during a visit to the area in April 2007 an officer was once again concerned about the untidy condition of the front garden and side access. It was also noted that a white transit box van and car were parked on the front garden area and it appeared that that these vehicles were being used for storage purposes, as were other vehicles parked on the highway.
- 1.5 A letter was sent to the owner of the property on the 10th April 2007 concerning this matter and again some improvement of the site resulted.
- 1.6 However, recent concerns have been expressed to the Council that the condition of the land has again deteriorated. It is now considered necessary to report this matter to the Development Management Committee, to seek authority to issue and serve a s215 notice requiring the tidying of the land. The consequences of failure to comply with such a notice have been detailed to the householder.
- 1.7 Photographs of the site will be available at the meeting.

2.0 Planning History:

- 2.1 There have been no planning applications relating to this site and the only planning history relates to past efforts to secure improvements to the untidy condition of the land.

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 as to 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 Over the last several years the authority has attempted to resolve the untidy condition of this land by an exchange of correspondence and working with the Council's partners on appropriate joint action as necessary. It is acknowledged that on occasions the site has been tidied, but it is clear that the site is again in an extremely poor condition with a large amount of paraphernalia such as furniture; televisions and various other items stored within the front garden and side access to the rear garden. This has a significant and detrimental impact on the appearance of the immediate street scene and is considered to be detrimental to visual amenity in the wider area.
- 4.2 Given the location of the property in a sensitive part of the Hertford Conservation Area, adjacent to the Holy Trinity church and in a residential area, it is the opinion of officers that the amenity of the local area is adversely affected by the condition of the land and that it is necessary and appropriate to resolve the matter through the service of a section 215 notice.
- 4.3 Members are reminded that if the owner fails to respond to such a notice, the Council may instigate legal proceedings in the Magistrates Court for non-compliance or seek to take direct action to remedy the condition of the land. If an owner is convicted in the Magistrates Court, 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 cost of any work carried out under direct action 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.
- 4.4 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.

5.0 Recommendation:

- 5.1 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, to include the removal of the stored domestic paraphernalia, leaving the site in a clean and tidy condition.