



Planning Committee

3 March 2009

ENFORCEMENT REPORT – 2007/195/ENF

Non-compliance with requirements of a Section 215 Notice Munsley Close, Matchborough, Redditch

(Matchborough Ward)

1. Background / Key Issues

- 1.1 This matter comes before Members with regard to non-compliance with a Section 215 Notice authorised by the Planning Committee at its meeting in September 2008 and issued on 6 October 2008.
- 1.2 The Section 215 Notice related to the condition of a property in Munsley Close, Matchborough which Officers described to you as follows:

“the back garden was so overgrown that it would be almost impossible for the owner to go outside and walk around in it, and further, a lean to extension to the rear of the property was in a state of near collapse. It was also noted that vegetation had taken root and was growing strongly on the roof of the garage”.
- 1.3 The Notice took effect on 10 November 2008 and required the removal of all overgrown vegetation in the rear garden; the removal from the garage roof of all vegetation growing on or through it; the repair of the lean-to extension to the rear; and the pruning and reduction in height of all trees overhanging the boundaries of the adjacent properties. The notice allowed a period of 3 months for compliance. No appeal to the Secretary of State was made with regard to the notice.
- 1.4 On 11 March 2009, the property was visited again, at which time it was found that the rear garden remained heavily overgrown, the lean-to had deteriorated further, the vegetation on the roof remained, albeit the winter weather had killed it off, and that the overhanging trees remained in situ and had gone into flower.

2. Conclusion

- 2.1 It is considered that the Section 215 Notice has not been complied with in that the owner of the property has failed to clear the land as required. Failure to comply with a Section 215 Notice is a criminal offence.
- 2.2 The condition of this site is adversely affecting the residential amenity of the area. Your Officers consider it expedient that legal action be undertaken to secure a cessation of this breach of planning control.

3. **Recommendation**

The Committee is asked to RESOLVE that

authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action by way of instigating proceedings in the Magistrates Court, if necessary, to secure a cessation of the breach of planning control.