



# Planning Committee

3 March 2009

## ENFORCEMENT REPORT - 2008/059/ENF

### Non-compliance with requirements of a Section 215 Notice Fenwick Close, Headless Cross, Redditch

(West Ward)

#### 1. Background / Key Issues

- 1.1 This matter comes before Members with regard to non-compliance with a Section 215 Notice authorised by Planning Committee at its meeting in September 2008 and issued on 20 October 2008.
- 1.2 The Section 215 Notice related to the condition of a property in Fenwick Close, Headless Cross which Officers described as follows:  
  
“full of old fence posts, slabs, wood, plastic buckets, wire and other unidentifiable detritus”. The rubbish extended to the front, side and rear of the property.”
- 1.3 The Notice took effect on 28 November 2008 and required the removal of all wood, fencing, plastic buckets, piping, cable, tyres, corrugated plastic, wheelbarrows, trailers, tent-like structures and included all articles stored under tarpaulins, and the tarpaulins themselves. It also required the re-instatement of the fencing to the northern boundary. 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 12 March 2009, the property was re-visited when it was noted that the property remained cluttered with the same rubbish and detritus as before, and that no effort had been made to comply with the Notice whatsoever.

#### 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 both the visual and residential amenity of the area. 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.