



Planning Committee

3 March 2009

ENFORCEMENT REPORT - 2008/165/ENF

Non-compliance with requirements of a Section 215 Notice Barford 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 23 September 2008.
- 1.2 The Section 215 Notice related to the condition of a property in Barford Close, Matchborough which Officers described as follows:

“the garage had lost its roof and had been covered with unattractive blue tarpaulin like material and the side wall and fence of the property had partially collapsed, revealing a very overgrown rear garden. There were bags of waste materials, bricks and other detritus both on and around the curtilage of the property”.
- 1.3 The Notice took effect on 31 October 2008 and required the removal of the tarpaulin from the garage roof and a permanent roof put on; the re-instatement of the boundary fencing and repairs to the brickwork; and the tidying of the rear garden, including the removal of all waste materials and overgrown vegetation. The notice allowed a period of 2 months for compliance. No appeal to the Secretary of State was made with regard to the notice.
- 1.4 On 15 January 2009, the property was visited again, at which time it was noted that the property remained in a poor condition and that the works required by the Notice had not been carried out.
- 1.5 On 4 March 2009, Officers again visited the property and found that there had been no improvement since their previous visit.

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. Your Officers consider it expedient that legal action needs to 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.