



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 19 October 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

Enforcement Matter: Remediation of the condition of land at
36 Lasham Court – E/2010/0435

WARD: Billing

REFERRED BY: Head of Planning
REASON: Breach of planning control

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

1.1 That the Borough Solicitor be authorised to issue a notice pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended), requiring steps to be taken to remedy the condition of the land with a compliance period of 28 days and in the event of non compliance to take any other necessary, appropriate and proportionate enforcement action pursuant to the provision within the Act in order to bring about the proper planning control of the land.

2. THE BREACH OF PLANNING CONTROL

2.1 The garden area of the property is being used for the storage of waste material, which is clearly visible to the surrounding neighbours. It is considered that the condition of the land adversely affects the amenity of land.

3. SITE DESCRIPTION

- 3.1 The site is in a densely populated housing estate constructed in the early 1970's and comprises an end of terrace house with a garden to the front and rear.

4. PLANNING HISTORY

- 4.1 On 26 July 2010 the Council were in receipt of complaints regarding the untidy condition of the land.
- 4.2 Following a site visit it was established that building rubble, bricks, wood, gas canisters, household waste and dilapidated fencing had been deposited on the site.
- 4.3 On 2 August 2010 a letter was hand delivered to the property requesting that the site is cleared within 28 days
- 4.4 A further letter was sent on 15 September 2010.
- 4.5 A further site visit was carried out on 26 September 2010 and it was noted that although some remedial work had taken place, there was still a considerable amount of waste material at the site. The owner appears unwilling to fully remedy the condition of the land.

5. PLANNING POLICY

- 5.1 **National Policy:** PPG 18 Enforcing Planning Control
- 5.2 **Local Plan Policy:** As this matter does not relate to unlawful development but rather to the condition of land, no policies are relevant.

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 Due to the nature of the case no consultation has been undertaken. Complaints about the condition of the land have been received from local residents via the Council's Housing Officer.

7. APPRAISAL

- 7.1 The use of the land for storing of waste material is wholly unacceptable and visually detrimental to the amenity of the area.
- 7.2 The owner of the site has failed to remove the waste material as per the requests in the letters sent to him and hand delivered to the property. As set out in section 4 above, the land owner has been given adequate time and opportunity to fully resolve the matter. Although some progress has been made, Officers now consider it appropriate to secure authorisation to serve a formal notice to finally resolve the matter.

7.3 Pursuant to the provisions of Sections 215 to 219 of the Town and Country Planning Act 1990 (as amended) a Local Planning Authority can issue a formal notice requiring the tidying of land which adversely affects the amenity of the area and in default of that notice may prosecute the owner of the land and/or carry out the works and recharge the owner costs thereof.

8. CONCLUSION

8.1 The condition of the land is causing a detrimental effect on the visual amenity of the area and planning enforcement action by the Council would bring about the clearance of the land and remedy the breach of planning control.

9. HUMAN RIGHTS IMPLICATIONS

9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken is proportionate to the intended objective. In this particular case Officers' views are that seeking to take action in respect of a perceived loss of amenity to nearby residents and occupiers is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner and the occupants of the property.

10. LEGAL IMPLICATIONS:

10.1 Usual costs will be met from within the existing budget. In the event of the requirements of the Notice not being complied with, and the owner being unwilling to meet the costs of the Council carrying out the works in default the Council would seek to secure a charge against the property.

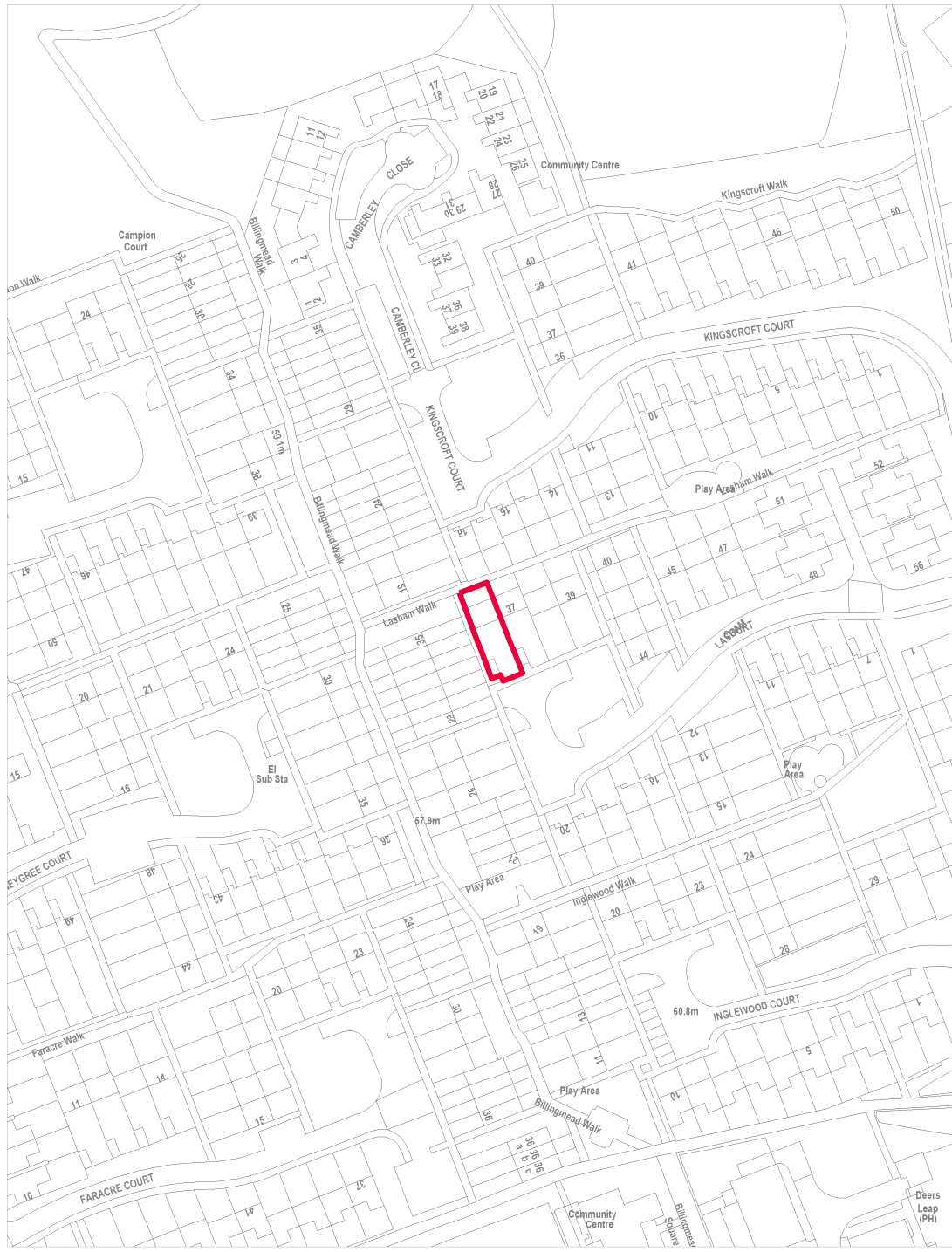
11. BACKGROUND PAPERS

11.1 E/2010/0435

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Tamara Roberts	28 September 2010
Development Control Manager:	Gareth Jones	28 September 2010



Name: SW
 Date: 5th October 2010
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
36 Lasham Court

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