

ask for: Paul Barnett
ddi number: 01242 264221
e-mail: Paul.Barnett@cheltenham.gov.uk
our ref: 15/00245/DC215

date: 2nd October 2015

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear

**Property affecting amenity of
neighbourhood:**

**290 Gloucester Road Cheltenham
Gloucestershire GL51 7AG**

Further to our letters dated 30th June 2015 and 5th August 2015 concerning the above and seeking your co-operation in improving the condition of your property. A further inspection was conducted during 21st September 2015 and revealed that there has been little significant improvement in the condition of the property since this authority last contacted you.

Consequently, you will now find enclosed with this letter a formal Notice pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended), together with information concerning your right of appeal to the Magistrates Court. The Notice details the list of requirements that I consider are the minimum works required to bring the property back to a reasonable standard and which will rectify the adverse effects your property is having on the amenity of the neighbourhood.

I would still urge you even at this late stage, to take the required action to resolve this matter as detailed in the Notice and within the period leading up to its effective date of **1st November 2015**.

Should this be effectively achieved, it is my intention to withdraw the case without further delay, however be advised that a failure to comply with this Notice will leave me several courses of action. Either or all of these actions may be pursued as follows:

1. A prosecution in the Magistrates Court for non-compliance with the s215 Notice – which could result in substantial fine if found guilty of an offence.
2. The council carrying out the works required by the Notice followed by action in the County Court to recover, from you, all expenses and costs reasonably incurred by such action.
3. Registration with HM Land Registry of a charge on your property, recoverable should your property be sold.

Yours sincerely

**Paul Barnett
Enforcement & Compliance Officer**

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**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

SECTION 215 NOTICE

SERVED BY: Cheltenham Borough Council

To: 290 Gloucester Road, Cheltenham, Gloucestershire GL51 7AG

1. **THIS NOTICE** is served by the Council under Section 215 of the above Act because it appears to them that the amenity of a part of their area is adversely affected by the condition of the land described below.

2. THE LAND TO WHICH THE NOTICE RELATES

The land known as **290 Gloucester Road, Cheltenham, Gloucestershire GL51 7AG**

3. WHAT YOU ARE REQUIRED TO DO

The Council requires the following steps to be taken for remedying the condition of the land:

1. Cut back all vegetation overhanging your front garden wall and encroaching onto the public pavement.

2. Cut back and cut down all shrubs and vegetation along the side of the path to your front door; along the garden frontage with the Gloucester Road; and along the commonside boundary with no.292 Gloucester Road, to a height not greater than 2 metres.

3. Effectively compost or remove all cuttings off site thereafter.

4. TIME FOR COMPLIANCE

Steps 1 to 3 above to be complied with in full within one month of the date on which this Notice takes effect and to be completed not later than **1st December 2015**.

5. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **1st November 2015**

Dated: 2nd October 2015

Mike Redman: Director – Built Environment

RIGHT OF APPEAL AGAINST SECTION 215 NOTICE
SECTIONS 217-218 OF THE TOWN AND COUNTRY PLANNING ACT 1990

217—(1) A person on whom a notice under Section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds:

- (a) that the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
 - (b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of Part III;
 - (c) that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority, who served the notice, or of any adjoining area;
 - (d) that the period specified in the notice as the period in which any steps required by the notice are to be taken falls short of what should reasonably be allowed.
- (2) Any appeal under this section shall be made to the Magistrates Court acting for the petty sessions in which the land in question is situated.
- (3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On such an appeal the Magistrates Court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.
- (5) On the determination of such an appeal the Magistrates Court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.
- (6) Where any person has appealed to a Magistrates Court under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed. 218 — Where an appeal has been brought under section 217, an appeal against the decision of the Magistrates Court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.

