

Ddi number: 01242 774986
Our ref: 16/00019/DC215
Ask for: Mr Martin Levick
e-mail: martin.levick@cheltenham.gov.uk

Date: 14th January 2016

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear

Re: 137 Orchard Avenue Cheltenham Property affecting amenity of neighbourhood

You were sent a Section 215 Enforcement Notice on 14th December 2015. I have come across a technical inaccuracy in that notice and enclose a corrected notice in substitution. Please ignore the original notice dated 14th December 2015.

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 the council 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, within the next 28 days from the date of this letter.

Your failure to comply with this Notice will leave the council open to 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.

You may consider that these actions are radical steps that should be avoided. However I must make clear that, unless the requirements of the Notice are complied with in full, and within the specified period, the council will proceed with a course of action described above.

Yours sincerely

Martin Levick
Senior Planner – Enforcement & Compliance

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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: 137 Orchard Avenue Cheltenham Gloucestershire GL51 7ND

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 137 Orchard Avenue Cheltenham Gloucestershire

3. WHAT YOU ARE REQUIRED TO DO

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

Repair and repaint the front entrance door and frame and replace the letterbox.

Repoint the chimney

Remove all accumulations from outside the property (front, rear and side).

Remove all vegetation and materials from the land and treat the whole of the outside areas with herbicide.

4. TIME FOR COMPLIANCE

All the steps above are to be complied with in full within two months of the date on which this Notice takes effect.

5. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 14th February 2016

Mike Redman: Director – Environmental and Regulatory Services
Dated: 14th January 2016

**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.