

ask for: Paul Barnett
ddi number: 01242 264221
e-mail: Paul.Barnett@cheltenham.gov.uk
our ref: 17/325 High/DC215

date: 24th April 2017

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear

**Property affecting amenity of
neighbourhood:**

**325 High Street, Cheltenham, Glos
GL50 3HS**

Further to our recent involvement concerning the above and seeking your co-operation in improving the condition of your property. A further inspection was conducted during 19th April. As such I now write in order to draw your attention to the condition of the building and general lack maintenance and upkeep to the properties frontage.

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 **24th MAY 2017**.

Should this be effectively achieved, it is my intention to suspend 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:

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 **325 High Street, Cheltenham, Glos GL50 3HS**

3. WHAT YOU ARE REQUIRED TO DO

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

1. Repair/repaint timber front door to match existing;
2. Repair/replace first floor front elevation timber windows and paint to match existing;
3. Repair/replace first floor front elevation stone window cills and paint to match existing;
4. Hack off and replace all blown plaster to front elevation, sand and fill to smooth finish, repaint to match existing;
5. Replace ground floor side elevation window and paint to match existing;
6. Repair/replace first floor side elevation timber windows and paint to match existing;
7. Repair first floor side elevation stone windows cills and paint to match existing;
8. Hack off and replace all blown plaster to side elevation, sand and fill to smooth finish, repaint to match existing;
9. Hack off and replace all blown plaster to rear elevation, sand and fill to smooth finish, repaint to match existing;
10. Repair/replace all defective rainwater goods.

4. TIME FOR COMPLIANCE

Steps 1 to 10 above to be complied with in full within four months of the date on which this Notice takes effect and to be completed not later than **24th September 2017**.

5. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **24th MAY 2017**

Dated: 24th April 2017

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.

