

DD number: 01242 264118  
Our ref: 17/00221/DCGNEQ  
Ask for: Daniel Lewis  
e-mail: daniel.lewis@cheltenham.gov.uk  
  
Date: 31 July 2019

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

Dear

**Property affecting amenity of  
neighbourhood:**

**5 Clarence Square Cheltenham  
Gloucestershire**

I wrote to you on 9<sup>th</sup> August 2017 & 6<sup>th</sup> July 2018 concerning the above and seeking your co-operation in improving the condition of your property. A further inspection has been undertaken and it is noted that there has been no significant improvement in the condition of the property since I last wrote to 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, within the next 28 days from the date of this letter.

Your 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.

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

Yours sincerely

**Daniel Lewis  
Senior 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 5 Clarence Square, Cheltenham, Gloucestershire shown edged red on the attached plan.

**3. WHAT YOU ARE REQUIRED TO DO**

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

1. Ensure the balcony located at first floor level of the front elevation is structurally sound and re-attach the associated railings to the main building where they have detached using appropriate and sympathetic methods & materials;
2. Remove any loose render from the front and rear elevations of the building and repair any area where render has been removed / fallen off with a render mix matching that currently applied to the building;
3. Prepare the render to be painted and re-paint the building in an off-white colour so that the render on the building has a uniformed appearance all-over;
4. Prepare all window frames and paint in an appropriate type of white paint;
5. Prepare all external doors and paint with an appropriate type of black, dark blue or dark green paint;
6. Remove the loose timber trellis from the rear boundary wall; and
7. Remove all waste resulting from these works from the property and dispose of it in an appropriate manner;

**4. TIME FOR COMPLIANCE**

Steps 1 to 4 above are to be complied with in full within nine months of the date on which this Notice takes effect.

**5. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 1 September 2019

Dated: 31 July 2019

**Mike Redman: Director – 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.