

DD number: 01242 264118  
Our ref: 19/00408/DC215  
Ask for: Daniel Lewis  
e-mail: daniel.lewis@cheltenham.gov.uk  
  
Date: 8 October 2020

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

Dear

**Property affecting amenity of  
neighbourhood:**

**35 Hawthorn Road Cheltenham  
Gloucestershire**

I wrote to you on 7<sup>th</sup> October 2019 & 11th May 2020 concerning the above and seeking your co-operation in improving the condition of your property. A further inspection has been undertaken and there appears to be no significant improvement in the condition of the property since I last wrote to you.

With the above in mind, 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 includes a 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.

Should the requirements of the notice not be complied with, either or all of the following actions may be pursued by the Council:

1. A prosecution in the Magistrates Court for non-compliance with the Notice – This could result in a fine if found guilty of an offence and / or
2. The council undertaking the works required by the Notice. This would be followed by action to recover all expenses and costs reasonably incurred by such action.

Should you wish to discuss the requirements of the notice further, please do not hesitate to contact me via the details below.

Yours sincerely

**Daniel Lewis  
Senior Enforcement and 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 35 Hawthorn Road, Cheltenham, Gloucestershire, GL51 7LX 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:

- A. Cut back the overgrown vegetation within the front garden of the property so that the vegetation does not obscure the front ground floor window and entrance door;
- B. Remove all vegetation from the highway side of the boundary wall;
- C. Should the vegetation have marked the front elevation of the property, ensure a uniformed appearance in the colour by painting the front elevation a uniformed colour; and
- D. Remove all resulting waste from the property and properly dispose of.

**4. TIME FOR COMPLIANCE**

Steps A to D above to be complied with in full within 6 months of the date on which this Notice takes effect.

**5. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 9 November 2020

Dated: 8 October 2020

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.