



# CHELTENHAM

## BOROUGH COUNCIL

DD number: 01242 264118  
Our ref: 20/00082/DC215  
Ask for: Daniel Lewis  
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Date: 25 February 2021

### **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

Dear

**Property affecting amenity of  
neighbourhood:**

**12 St Albans Close Cheltenham  
Gloucestershire**

I wrote to you on 19 March 2020 & 27 July 2020 concerning the above and seeking your co-operation in improving the condition of your property. A further visit 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

*D. Lewis*

**Daniel Lewis  
Senior Enforcement and Compliance Officer**

**IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**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 12 St Albans Close, Cheltenham, Gloucestershire, GL51 3DW 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 property / land:

1. Remove the weeds growing in the hardstanding areas, treat area with weed killer or similar;
2. Cut back the vegetation and grass in the front, side and rear gardens to be in keeping with the neighbourhood;
3. Prepare and paint the rendered/clad elements of the elevations so that it has a uniformed appearance;
4. Ensure that the leaning fences between adjoining properties are straightened and are structurally sound;
5. Remove from or store inside of the dwelling / outbuilding the plastic boxes, lids and items within along with other personal effects positioned adjacent to the dwelling and to the front of the car stationed on the hardstanding area; and
6. Remove all resulting waste from the works required above and dispose of in an appropriate and responsible manner.

**4. TIME FOR COMPLIANCE**

Steps 1 to 6 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 29 March 2021.

Dated: 25 February 2021

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.