

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

### ENFORCMENT REPORT

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**REPORT TO:** Planning Committee

7 December 2016

**AUTHOR/S:** Head of Development Management

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**Legal Reference No:** PLAENF. 1.692

**Parish:** Little Gransden

**Proposal:** S.215 Amenity Notice Compliance

**Site address:** 74 Main Road, Little Gransden Sandy Beds SG19 3DW

**Householder:** Mr Christopher Simon Cooper

**Recommendation:** Officers to have delegated authority to take action to carry out the steps required in accordance with Section 219 of the Town and Country Planning Act 1990. Appoint Contractors to carry out those works and upon completion of those works, actively recoup its costs from the owner by placing a charge on the property.

**Presenting Officer:** Charles Swain

**Application brought to Committee because:** Authorisation to take direct action

#### **Executive Summary**

1. Officers are seeking authority from the Committee for the Council itself to take direct action (pursuant to Section s219 of the Town and Country Planning Act 1990) to commission the carrying out of works for remedying the condition of the land as described in the s215 Amenity Notice issued in August 2015

#### **Site and Surroundings**

2. 74 Main Road is a single storey detached dwelling located in the village of Little Gransden and sits on an elevated plot opposite the local Public house. Its position is very prominent to local residents and persons travelling through the village.

#### **Proposals**

3. The Head of Development Management for planning be authorised to take action in default under s219 of the Town and Country Planning Act to secure the outstanding steps identified within the s215 Amenity Notice under reference PLAENF.1.692 which should have been completed by 12 January 2016. And secure compliance with the s215 Amenity Notice

## **Issues For Consideration**

4. Under s216 of the Town and Country Planning Act 1991 (The Act) the Council can prosecute the owner for any failure to comply with the Notice. Such action would be instigated under the powers delegated to the Solicitor to the Council
5. Under s219 of the Act the Council can take steps itself to secure compliance with the Notice and recover its costs. Either or both of these powers are available to the Council where there is a failure to comply with a s215 notice and the specified period/s for compliance has/have passed
6. Presently there are no delegated powers to take action in default under s219. A resolution of Planning Committee is required.
7. The matter has been outstanding some considerable time during which the amenity of local residents and the Neighbourhood has suffered severely. Steps required under the s215 notice issued in August 2015 have not been completed despite several reminder letters being sent to their registered home address. The case has also been reported to the local Magistrates Court 17 March 2016 where the owner was summoned to appear. The Court found him guilty in his absence and imposed a sentence where he was fined £400, with costs of £200 VSC £44. The Court bailiffs have so far failed to track down Mr Cooper and recover the fine and costs
8. Following completion of the works the Council would recover its costs from the owner by sending an invoice and pursuing through the Councils debt recovery process. The Council could also place a charge on the land.
9. The costs incurred will be met up to the maximum of the appropriate budget in the financial year they are incurred. Recovery of such debts may not be quick or even successful. Charges on the land are not a 100% guaranteed success for recovery even when the property is ultimately sold, potentially many years after the expenditure is incurred. If the debt were ultimately to be written off, after exhausting the recovery process, this would be a cost back to the original budget.

## **Implications**

### **Financial:**

10. This would only be cost neutral if any reasonable costs incurred by the Council in carrying out the works are recovered from the owner in the same financial year that the costs are incurred

### **Legal:**

11. Possible legal action to secure recovery costs

### **Staffing:**

12. Potential impact on officer time in organising and managing works and recovering costs

## **Estimated Cost**

13. Confidential Item

## **Recommendation**

14. The condition of this property, which has been empty for a number of years, and the failure of the owner to comply with the s215 amenity Notice and deal with issues that are affecting the immediate neighbouring properties, justifies the works being carried out by the Council as a matter of urgency in order to remedy the amenity issue at this address

## **Background Papers:**

S215 Notice

Photographs

### **Report Author:**

Charles Swain

Principal Planning Enforcement  
Officer

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