
REPORT TO:

**DEVELOPMENT CONTROL
COMMITTEE**

AGENDA ITEM:

**DATE OF
MEETING:**

16th October 2001

**CATEGORY:
DELEGATED/
RECOMMENDED
OPEN/EXEMPT
PARAGRAPH NO:**

REPORT FROM:

DEPUTY CHIEF EXECUTIVE

MEMBERS'

R M Shirley (596750)

DOC:

CONTACT POINT:

SUBJECT:

**Untidy condition of land forming part of
the former Shardlow Nurseries, London
Road, Shardlow**

REF: RMS/E2000/180

**WARD(S)
AFFECTED:**

Aston

**TERMS OF
REFERENCE:**

Recommendations

That the Committee authorise the service of a further Notice under Section 215 of the Town and Country Planning Act 1990 requiring that the following steps be taken within 28 days of the Notice taking effect:

1. All overgrown weed and grass to be cut and cleared from the land.
2. The greenhouse to be either removed or suitably repaired.
3. Any materials resulting from the repair or removal of the greenhouse to be cleared from the land.
4. The mounds of rubble to be removed.
5. Any dumped rubbish and scrap timber to be removed from the land.
6. The land to be maintained in a tidy condition.

Purpose of Report

To obtain the Development Control Committee's instructions.

Detail

Following a complaint from Shardlow parish Council, at its meeting on 10th November 1998, the former Development Control Sub-Committee resolved to serve a Notice under Section 215 of the Town and Country Planning Act 1990 to improve the appearance of the frontage land at the above site which, at that time adversely affected the amenity of the immediate area.

The Notice was subsequently served but compliance was not achieved.

Authority was obtained from the Sub-Committee, at its meeting on 22nd June 1999 to institute legal proceedings to ensure full compliance with the Notice.

However, substantial progress to tidy the site was achieved without prosecution.

Further complaint has been received with respect to the condition of the land and inspection revealed the complaint to be justified, the appearance having deteriorated substantially over the summer.

The owner and lessee of the land have been contacted but no action has been taken to tidy the site.

A plan of the site is attached with the affected frontage area, which is approximately 0.3 hectares in area, cross hatched.

Financial Implications

None

Conclusions

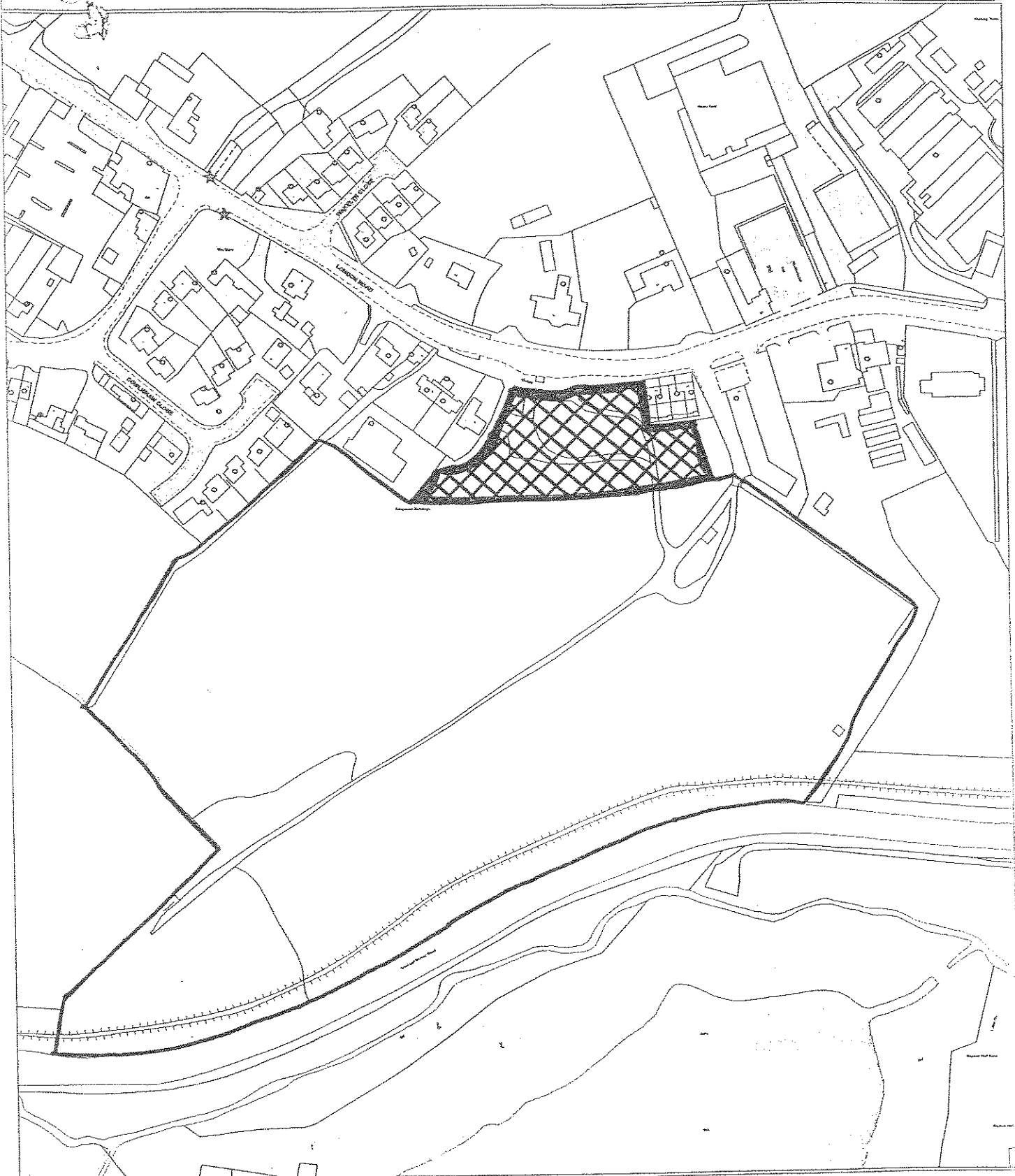
The site has again deteriorated to the point where there is an adverse effect on the amenities of adjoining property and the area in general.

It is open to the Committee to authorise the service of a Notice under section 215 of the Town & Country Planning Act 1990 to require an improvement in the appearance of the land.

Background Papers

Enforcement Files E97/356 and E2000/180.

Former Shardlow Nurseries London Road Shardlow



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:2500 Date Plotted 2/10/2001

Plot centred at 443581 330229

Former Shardlow Nurseries London Road Shardlow



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

SOUTH DERBYSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 215

RECORDED DELIVERY

To: Mr. P. W. E. Hall

Of: 274 Lichfield Road, Barton under Needwood, Burton on Trent, Staffs.

1. THIS NOTICE is served by the Council because it appears to them that the condition of land in their area adversely affects the amenity of part of their area or an adjoining area.

It has been served upon you as the person who appears to be the occupier of the land.

2. THE LAND

Land being approximately 0.3 hectares in area and forming part of the former Shardlow Nurseries, London Road, Shardlow in the County of Derby as shown edged red on the attached plan.

3. WHAT YOU ARE REQUIRED TO DO

In exercise of their powers under Section 215 the Council requires you to;

- A. Cut and clear all overgrown grass and weed from the land.
- B. Remove or suitably repair the greenhouse situated on the land.
- C. Clear from the land any materials resulting from the repair or removal of the greenhouse.
- D. Remove the mounds of rubble at the rear of the bund fronting London Road.
- E. Remove any dumped rubbish and scrap timber from the land.
- F. Maintain the land in a tidy condition.

4. TIME FOR COMPLIANCE

Twenty-eight days after this Notice takes effect.

5. WHEN THIS NOTICE TAKES EFFECT LIMITS

This Notice takes effect on 21st January 2002 unless an appeal is made against it before hand.

6. YOU RIGHT OF APPEAL

You can appeal against this Notice but any appeal must be received by the Magistrates Court before the date specified in paragraph 5 of the Notice.

7. WHAT HAPPENS IF YOU DO NOT APPEAL

It is an offence to fail to take the steps required to comply with this Notice. The maximum penalty on conviction is a fine of £1,000. Continuing failure to comply following a

It is an offence to fail to take the steps required to comply with this Notice. The maximum penalty on conviction is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence the penalty for which is a maximum fine of £100 for each day following the first conviction during which the requirements of this Notice are not met.

8. LAW

A copy of the relevant provisions of the Act are attached to this Notice.

DATED the 30th day of November 2001



A. J. Kirkham
Development Control Manager

South Derbyshire District Council,
Civic Offices,
Civic Way,
Swadlincote,
Derbyshire, DE11 0AH.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

SOUTH DERBYSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 215

RECORDED DELIVERY

To: Mr. M. A. B. Mallender & Mrs H. I. Stanton

Of: C/O Taylor Simpson & Mosley. Solicitors, 35 St. Mary's Gate, Derby DE1 3JU

1. THIS NOTICE is served by the Council because it appears to them that the condition of land in their area adversely affects the amenity of part of their area or an adjoining area.

It has been served upon you as the person who appears to be the owner of the land.

2. THE LAND

Land being approximately 0.3 hectares in area and forming part of the former Shardlow Nurseries, London Road, Shardlow in the County of Derby as shown edged red on the attached plan.

3. WHAT YOU ARE REQUIRED TO DO

In exercise of their powers under Section 215 the Council requires you to;

- A. Cut and clear all overgrown grass and weed from the land.
- B. Remove or suitably repair the greenhouse situated on the land.
- C. Clear from the land any materials resulting from the repair or removal of the greenhouse.
- D. Remove the mounds of rubble at the rear of the bund fronting London Road.
- E. Remove any dumped rubbish and scrap timber from the land.
- F. Maintain the land in a tidy condition.

4. TIME FOR COMPLIANCE

Twenty-eight days after this Notice takes effect.

5. WHEN THIS NOTICE TAKES EFFECT LIMITS

This Notice takes effect on 21st January 2002 unless an appeal is made against it before hand.

6. YOU RIGHT OF APPEAL

You can appeal against this Notice but any appeal must be received by the Magistrates Court before the date specified in paragraph 5 of the Notice.

7. WHAT HAPPENS IF YOU DO NOT APPEAL

conviction will constitute a further offence the penalty for which is a maximum fine of £100 for each day following the first conviction during which the requirements of this Notice are not met.

8. LAW

A copy of the relevant provisions of the Act are attached to this Notice.

DATED the 30th day of November 2001



A. J. Kirkham
Development Control Manager

South Derbyshire District Council,
Civic Offices,
Civic Way,
Swadlincote,
Derbyshire, DE11 0AH.

