

<b>REPORT TO:</b>	<b>Development Control Committee</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>21<sup>st</sup> August 2007</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DEPUTY CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>G Richards (ext. 5750)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Land at 1 Wren Close, Woodville</b>	<b>REF: E/2007/00189</b>
<b>WARD(S) AFFECTED:</b>	<b>Woodville</b>	<b>TERMS OF REFERENCE:DC01</b>

## **1.0 Recommendations**

- 1.1 That no action be taken.

## **2.0 Purpose of Report**

- 2.1 To seek the Committee's view on whether or not action is warranted, under Section 215 of The Town and Country Planning Act 1990.

## **3.0 Detail**

- 3.1 Councillor Taylor has raised concerns regarding the state of the land.
- 3.2 The site is located on the corner of Wren Close, which is off Falcon Way. The property is a detached dwelling with modest open plan front and side gardens, which are mostly laid to lawn with a few shrubs and mature trees.
- 3.3 A site visit by a Council Officer found that the lawn has not been cut recently and has gone to seed. Some weeds are present, however the trees and shrubs appear healthy. The Land has no other materials or rubbish tipped on it.
- 3.4 The site is not impacting on the neighbourhood in a manner that can be said to be 'adversely affecting the amenity of the area', due to the fact that it is not being used as a dumping ground, but is merely a garden that it is not tended on a regular basis.
- 3.5 A check of the office records found there is no previous history, relating to land adversely affecting the amenity of the area, associated with this site.
- 3.6 To be judged as Land adversely affecting the amenity of the area, such

that it is expedient to take action under S215 of the Act, significant amounts of tipped materials and waste are normally present and the property is normally in a run down state, where the legislation may be used to secure maintenance works for example; to have windows made good and painted.

3.7 The condition of this site is such that it should only be considered as a failure to tend the garden on a regular basis; therefore to take enforcement action would constitute a misuse of S215 of the Act, which may set a precedent for the Council to take action against anyone who fails to cut their grass on a regular basis.

3.8 Whilst it is recommended that no further action is taken at this time, should the condition of the site deteriorate, the matter can be reconsidered

#### **4.0 Financial Implications**

4.1 Should Members resolve to initiate action under S215 and the owner fail to comply costs may be involved for works in default for which there is currently no budget.

#### **5.0 Corporate Implications**

5.1 None.

#### **6.0 Community Implications**

6.1 None.

#### **7.0 Conclusions**

7.1 'Amenity' is a broad concept and not formally defined in the legislation or procedural guidance, it is a matter of fact and degree. Therefore it is necessary to consider the condition of the site, the impact on the surrounding area and the scope of S215 for tackling problems areas. In accordance with S215 of The Town and Country Planning Act 1990 and The Best Practice Guidance it cannot be said that overgrown grass and weeds constitute land that is adversely affecting the amenity of the area.

#### **8.0 Background Papers**

8.1 None.