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<b>REPORT TO:</b>	<b>Development Control Committee</b>	<b>AGENDA ITEM:</b>	<b>6</b>
<b>DATE OF MEETING:</b>	<b>14<sup>th</sup> September 2004</b>	<b>CATEGORY:</b>	<b>DELEGATED</b>
<b>REPORT FROM:</b>	<b>Deputy Chief Executive</b>	<b>OPEN</b>	
<b>MEMBERS' CONTACT POINT:</b>	<b>R. M. Shirley</b>	<b>DOC:</b>	
<b>SUBJECT:</b>	<b>Non-compliance with Notice issued under Section 215 of Town &amp; Country Planning Act 1990 – Land opposite Railway Cottages, Findern Lane, Stenson, Derby.</b>	<b>REF: RMS/E2001/75</b>	
<b>WARD(S) AFFECTED:</b>	<b>Stenson</b>	<b>TERMS OF REFERENCE: DC01</b>	

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## **1.0 Recommendations**

1.1 That, subject to the availability of the necessary evidence, the Development Control Committee authorises the Legal and Democratic Services Manager to institute an appropriate prosecution for non-compliance with a notice issued on 14<sup>th</sup> May 2004 under section 215 of the Town & Country Planning Act 1990 relating to land and buildings opposite Railway Cottages, Findern Lane, Stenson.

## **2.0 Detail**

- 2.1 The untidy condition of the above land has been the subject of long-standing complaint.
- 2.2 Prolonged contact and negotiation with the owner resulted in the submission of an application for the erection of a storage building on the land. The application received conditional permission in April 2003.
- 2.3 The permission remained unimplemented and notwithstanding further contact with the owner, the condition of the land continued to deteriorate.
- 2.4 In the light of this, a Notice under Section 215 of the Town & Country Planning Act was issued on 14<sup>th</sup> May 2004.
- 2.5 A site inspection carried out at the expiration period of the notice revealed that its requirements had not been carried out and that the land was still grossly untidy.
- 2.6 A copy of the notice and accompanying plan is attached at Annexe 'A'.

## **3.0 Financial Implications**

- 3.1 Should the Committee be minded to authorise a prosecution, certain costs may be incurred by the Council.

#### **4.0 Community Implications**

4.1 Not applicable.

#### **5.0 Conclusions**

- 5.1 The current condition of the land materially affects the amenity of the properties opposite and particularly in view of its situation adjoining a classified road, that of the area in general.
- 5.2 The notice has expired without positive action from the owner and whilst development is authorised on the site, there is no requirement on the part of the owner to implement that development.
- 5.3 It is, accordingly, open to the Committee to authorise the Legal and Democratic Services Manager to institute an appropriate prosecution for non-compliance with the notice.

#### **6.0 Background Papers**

6.1 Enforcement File E2001/75