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<b>REPORT TO:</b>	<b>Development Control Committee</b>	<b>AGENDA ITEM:</b>	<b>7</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 – Site of former Horse &amp; Jockey Public House, Meadow Lane, Newhall</b>	<b>REF:</b>	<b>RMS/E2003/247</b>
<b>WARD(S) AFFECTED:</b>	<b>Newhall &amp; Stanton</b>	<b>TERMS OF REFERENCE:</b>	<b>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 7<sup>th</sup> May 2004 under section 215 of the Town & Country Planning Act 1990 relating to the site of the former Horse & Jockey Public House, Meadow Lane, Newhall.

## **2.0 Detail**

- 2.1 The untidy condition of the above land, which is currently subject to an appeal against a refusal of planning permission for residential development has been the subject of complaint since Autumn 2003. The public inquiry relating to the appeal is due to take place in March 2005
- 2.2 Various site inspections and subsequent correspondence with the owners took place culminating in the issue, under delegated Powers, of a Notice under Section 215 of the Town and Country Planning Act 1990 on 7<sup>th</sup> May 2004.
- 2.3 The site was inspected at the end of the expiration period of the notice and its requirements had not been implemented. Further correspondence and negotiation with the owners agent has failed to produce an improvement in the condition of the site.
- 2.4 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 to the Council may occur.

#### **4.0 Community Implications**

4.1 Not applicable.

#### **5.0 Conclusions**

- 5.1 The current condition of the site materially affects the amenity of surrounding properties and the area in general.
- 5.2 The notice has expired and subsequent contact with those responsible has failed to produce a positive result.
- 5.3 The public inquiry to determine the appeal will not take place until March 2005 with the outcome likely to be some time after, thus the site is likely to remain undeveloped for a relatively long period.
- 5.4 The institution of an appropriate prosecution for non-compliance would appear to be the only option available to the Council to secure the tidying of the site and its future maintenance in a tidy condition.

#### **6.0 Background Papers**

6.1 Enforcement File E/2003/247

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

SOUTH DERBYSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 215

**RECORDED DELIVERY**

To: Lucy Sketchley  
Of: 9 The Paddock, Baunton, Cirencester, Gloucestershire, GL7 7DL.

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 the site of the former Horse and Jockey Public House, Meadow Lane, Newhall, Swadlincote, Derbyshire 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:-

1. Cut and clear the overgrown grass and vegetation from the site.
2. Remove the rubble, scrap timber and metal deposited on land adjoining the entrance to the site.
3. Remove the accumulations of rubble, soil and other waste material from the hard surfaced area at the front of the site of the public house building.
4. 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 7<sup>th</sup> June 2004 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.

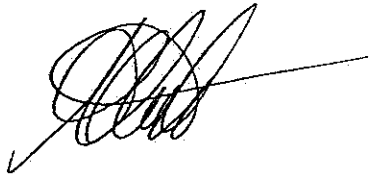
7. WHAT HAPPENS IF YOU DO NOT APPEAL

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 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 7th day of May 2004



A. P. Sylvester  
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: Butler Developments Ltd.,**

**Of: Comberford Hall, Comberford, Tamworth, Staffs., B79 9BA.**

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 the site of the former Horse and Jockey Public House, Meadow Lane, Newhall, Swadlincote, Derbyshire 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:-

1. Cut and clear the overgrown grass and vegetation from the site.
2. Remove the rubble, scrap timber and metal deposited on land adjoining the entrance to the site.
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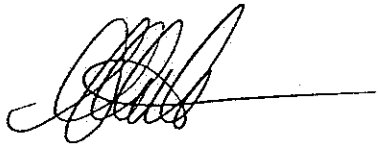
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8. LAW

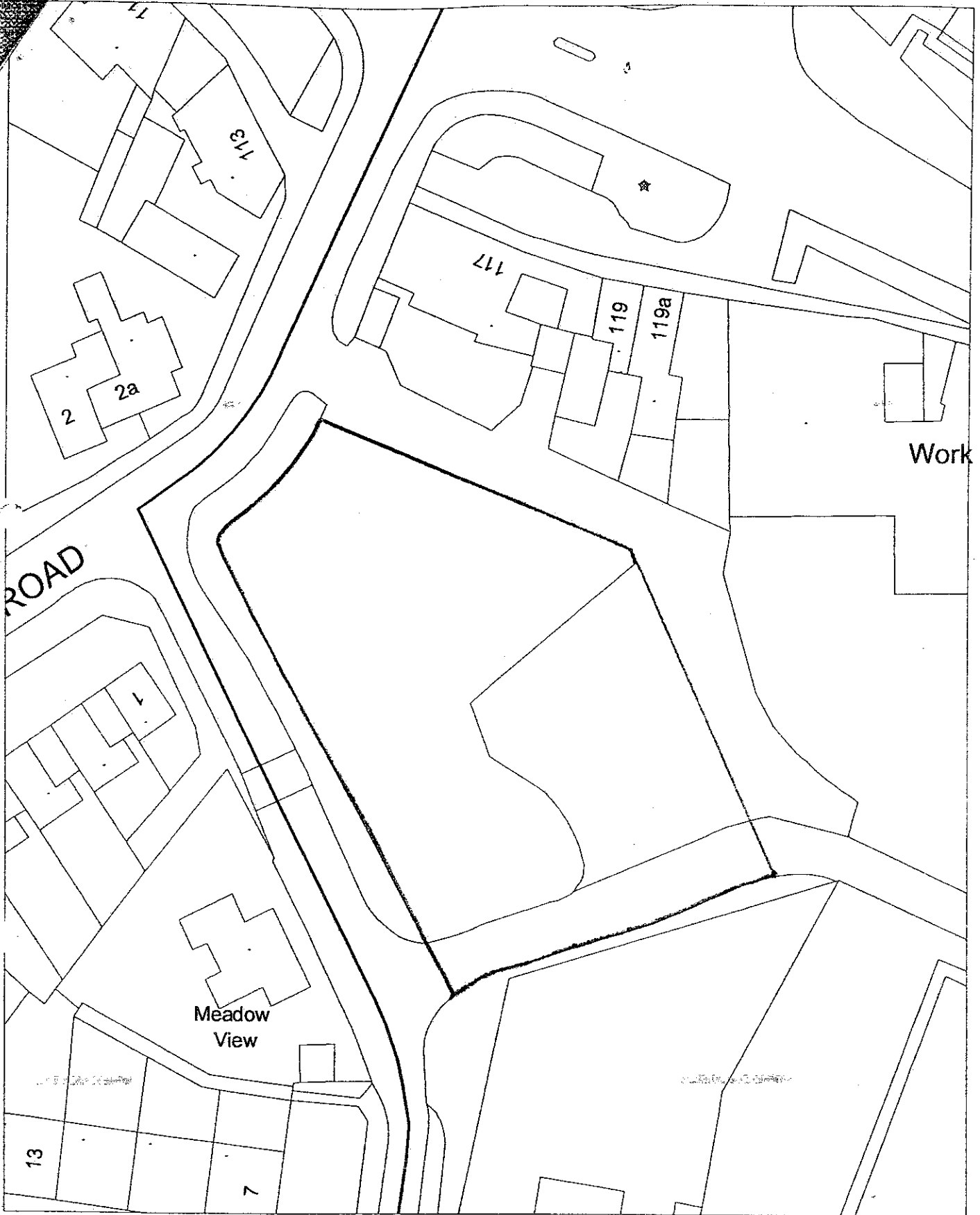
A copy of the relevant provisions of the Act are attached to this Notice.


DATED the 7th day of May 2004

A handwritten signature in black ink, appearing to be 'A. P. Sylvester', with a long horizontal line extending to the right.

A. P. Sylvester  
Development Control Manager

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



 <b>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</b>	<b>Date Plotted 5/5/2004</b>	<b>NORTH</b> ↑
	<b>Site of the former Horse &amp; Jockey PH Meadow Lane Newhall Swadlincote Derbyshire</b>	Plot centred at 429130 320712
<small>Based upon the 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.</small>		<small>License No LA 079375</small>

