
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	10 th February 2004	CATEGORY:
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	DELEGATED OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	R M Shirley (595750)	DOC:
SUBJECT:	Non-compliance with Section 215 Untidy Site Notice – 25 Station Street, Castle Gresley	REF: RMS/E2000/218
WARD(S) AFFECTED:	Church Gresley	TERMS OF REFERENCE: DC01

1.0 Reason for Exempt (if appropriate)

1.1 Not applicable

2.0 Recommendations

2.1 That the Development Control Committee authorise the Legal and Democratic Services Manager to institute an appropriate prosecution with reference to the non-compliance with a Notice under Section 215 of the Town & Country Planning Act 1990 issued with respect to the untidy condition of 25 Station Street, Castle Gresley.

3.0 Purpose of Report

3.1 To obtain the Committee's instructions.

4.0 Executive Summary

4.1 Not applicable

5.0 Detail

5.1 At its meeting on 20th May 2003 the Development Control Committee resolved to issue a Notice under Section 215 of the Town & Country Planning Act 1990 to remedy the untidy condition of the front elevation and garden of the terraced dwelling at 25 Station Street, Castle Gresley. The appearance of the house had deteriorated to the point where there was a materially adverse effect on amenity.

5.2 The Notice was duly issued on 30th June 2003, taking effect on 30th July 2003 with a four month compliance period.

5.3 A site inspection, undertaken at the expiration of the relevant period revealed that no action had been taken to implement the requirements of the Notice and the owner was given the opportunity to give details of any circumstances that may have precluded action in the matter. No reply has been received.

5.4 A copy of the report to the Development Control Committee dated 20th May 2003 together with the accompanying plan is attached at Annexe A.

6.0 Financial Implications

6.1 Should the prosecution prove necessary, the Council may be subject to certain costs.

7.0 Corporate Implications

7.1 None.

8.0 Community Implications

8.1 None

9.0 Conclusions

9.1 There is clear evidence of failure to comply with a duly served and expired Notice.

9.2 It is open to the Committee to authorise the Legal and Democratic Services Manager to institute an appropriate prosecution for non-compliance.

10.0 Background Papers

10.1 Enforcement File E200/218