

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

23 April 2010

Dear Madam

**PROPERTY ADVERSELY AFFECTING AMENITY OF NEIGHBOURHOOD AT
[127 White Lion Park, Malmesbury, Wiltshire, SN16 0QR]**

I contacted you previously concerning the above premises seeking your cooperation in improving the condition of the property.

A further inspection has been conducted and revealed that there has been no significant improvement in the condition of the property since I last spoke with you.

Consequently, you will now find enclosed with this letter a formal Notice pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended), together with information concerning your right of appeal to the Magistrates Court. The Notice details the list of requirements that the Council considers is the minimum works required to bring the property back to a reasonable standard and which will rectify the adverse effects your property is having on the amenity of the neighbourhood.

The Council would still urge you, even at this late stage, to take the required action to resolve this matter as detailed in the Notice, with the next 4 months from the date of this letter.

Failure to comply with the Notice would leave the Council with various courses of action, either or all of which may be pursued as follows:

1. A prosecution in the Magistrates Court for non-compliance with the Section 215 Notice-which could result in a substantial fine and a criminal record if you are found guilty;
2. The Council carrying out the works required by the Notice followed by action in the County Court to recover from you all of the expenses and costs incurred by such action;
3. Registration with HM Registry of a charge on your property for the Council's costs incurred in carrying out the works required. This would be recoverable should your property be sold and may delay its sale.

You may consider that these actions are radical steps that should be avoided. But I must make it clear that, unless the requirements of the Notice are complied with in full and within the specified period, the Council will proceed with one or more of the courses of action set out above.

Yours faithfully



Tony Phillips
Principal Planning Enforcement Officer
(North Hub)

Direct line Tel: 01249 706627

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TOWN & COUNTRY PLANNING ACT 1990

[As amended by the Planning & Compensation Act 1991]

SECTION 215 NOTICE

SERVED BY: Wiltshire Council

On: Ms Sheila Miles.

1 THE NOTICE

This Notice is served by the Council under Section 215 of the above Act because it appears to them that the amenity of a part of their area is adversely affected by the condition of the land described below.

2 THE LAND TO WHICH THIS NOTICE RELATES

Land at 127 White Lion Park, Malmesbury, Wiltshire, SN16 0QR shown outlined with a thick black line on the attached plan, (The Land), attached to this Notice.

3 WHAT YOU ARE REQUIRED TO DO

The Council requires that the following steps should be taken to remedy the condition of the Land

- (i) *Repaint all window frames and timber joinery to the front, side and rear of the property having first carried out preparation work as necessary.*
- (ii) *Remove the hoarding to the broken ground floor front window and reglaze this window with glass to match the front 1st floor windows.*
- (iii) *Reglaze the broken window to the first floor front elevation.*
- (iv) *Repaint the render to the 1st floor front and rear face of the property with masonry paint.*
- (v) *Cut all vegetation within the front, side and rear garden down to ground level and completely remove all said vegetation from The land.*
- (vi) *Remove or reinstall the television aerial which has become detached from its fixing upon the roof.*

4 TIME FOR COMPLIANCE

4 months

5 WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on: **24 May 2010**

Dated: **23 April 2010**

Signed



On behalf of Wiltshire Council

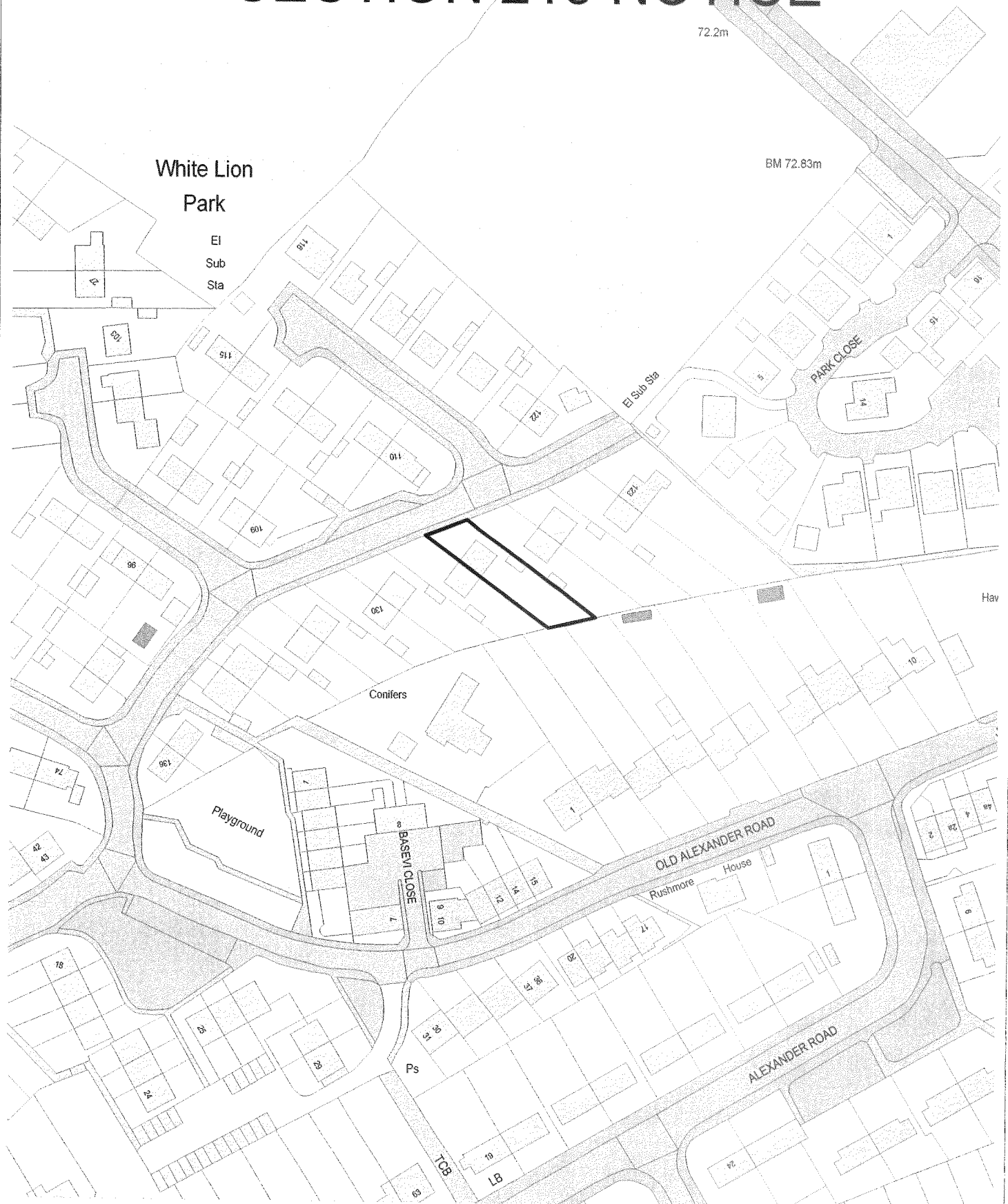
RIGHT OF APPEAL AGAINST SECTION 215 NOTICE SECTIONS 217-218 OF THE TOWN AND COUNTRY PLANNING ACT 1990

217—(1) A person on whom a notice under Section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds:

- (a) that the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
 - (b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of Part III;
 - (c) that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority, who served the notice, or of any adjoining area;
 - (d) that the period specified in the notice as the period in which any steps required by the notice are to be taken falls short of what should reasonably be allowed.
- (2) Any appeal under this section shall be made to the Magistrates Court acting for the petty sessions in which the land in question is situated.
- (3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On such an appeal the Magistrates Court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.
- (5) On the determination of such an appeal the Magistrates Court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.
- (6) Where any person has appealed to a Magistrates Court under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

218 —Where an appeal has been brought under section 217, an appeal against the decision of the Magistrates Court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.

SECTION 215 NOTICE



Wiltshire Council
Where everybody matters

127 White Lion Park, Malmesbury, Wiltshire, SN4 7BS
SCALE: 1:1250

08/0288/ENF Grid Ref: ST 9252 8780

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