

TAUNTON DEANE BOROUGH COUNCIL

Planning Committee – 1st February 2017

Miscellaneous Report

E/0154/24/12

Untidy site at 12 Town Close, North Curry

Occupier: Mr Hunt

Owner: Mr Hunt

12 Town Close, North Curry, Taunton TA3 6LZ

Purpose of report

To update members of the planning enforcement situation at 12 Town Close, North Curry.

Recommendation

That members consider a number of different approaches to remedy the harm caused by the untidy site at 12 Town Close, North Curry and should prosecution action be the choice that it be deferred for a period of 6 months for the reasons outlined in the report and attached confidential papers.

Site description

12 Town Close, North Curry is a small development built by the Local Authority. It comprises mainly of semi-detached and terraced properties fronting onto a small cul-de-sac accessed from Windmill Hill. The properties have front and rear gardens some with parking. Two other parking areas are provided within the development. Many of the properties are now owner occupied, Number 12 being one. The slightly unusual rear garden configuration of number 12 has led to the situation being more noticeable by more properties than would normally be the case. This is due to the garden wrapping around the neighbour's garden and being adjacent to the rear garden of No 5 Chapel Close, a relatively new development.

Background

Members will likely recall that the condition of the site has for some years been a cause of concern for both the neighbours and the Local Authority. Members authorised at the Planning Committee meeting of 30 January 2014 the serving of a Section 215 notice. This was served on 24 February 2014 with a 6 weeks compliance time (12 May 2014).

The requirement of the notice was to remove from the land all the stored and accumulated items as shown in the 3 photographs attached to the notice.

A site visit was made on 19 May 2014 and a number of photographs taken to show what progress had been made in complying with the notice. These photographs were shown at the Planning Committee on 4 June 2014 and members were told by officers that the owner of the site had been advised by the Council's Legal Section that if the notice was not complied with within 14 days from the date of the meeting, the Council would commence prosecution proceedings. The matter was again referred to committee in September 2014 when committee decided to defer prosecution for five months, since this time further clearing has continued to take place and the matter has been referred back to committee on a six monthly basis. The matter was last reported back to committee for a further update on 31st August 2016 when it was once again resolved to defer any formal action.

Update on current situation

I am due to visit the site on the 25th January 2017 and a report as to the current situation will be on an update sheet.

The council has still not pursued legal proceedings for reasons set out in the attached confidential papers. It is considered by officers that proceeding with prosecution at present would not achieve further clearance of the site any quicker.

Officers have considered alternative courses of action that could result in the clearance of the site and remedy the harm to the residential amenity of neighbours.

These include:

1. Defer prosecution action for a set period of time – This could allow for Mr Hunt to continue to clear the site, however, if further clearance does not occur, the Council could proceed with prosecution action and/or direct action.
2. Prosecution - Where the council proceeds with prosecution action for noncompliance with the Section 215 Notice.
3. Direct action – Where the council looks to take direct action in seeking authorisation to enter the land, clear the site and store the removed items for a set period of time. A charge would normally be placed on the land so that the Council's cost could be recovered at a later date.

At present for the reasons set out in the confidential papers, it is considered that proceeding with prosecution at this time would not achieve any kind of satisfactory resolution for anyone.

Taking direct action could result in the site being cleared at the initial cost of the Council, however it needs to be considered whether this is a proportionate response to the breach in light of the current situation. Officers do not consider that it is proportionate or reasonable at this time, but would seek to keep this under review.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

Planning Officer: Mr M Bale
Enforcement Officer: Mrs A Dunford