

PLANNING COMMITTEE AGENDA – 16th July 2014

Enforcement List

<u>Item No.</u>	Description
1.	ENF/14/00007/UNLD - Failing to maintain land and buildings, resulting in the amenity of the area being adversely affected at High View, Woodland Head, Yeoford, Crediton.

Case No. ENF/14/00007/UNLD

Grid Ref: 278238 96862

Address:

High View, Woodland Head, Yeoford, Crediton

Alleged Breach:

Failing to maintain land and buildings, resulting in the amenity of the area being adversely affected.

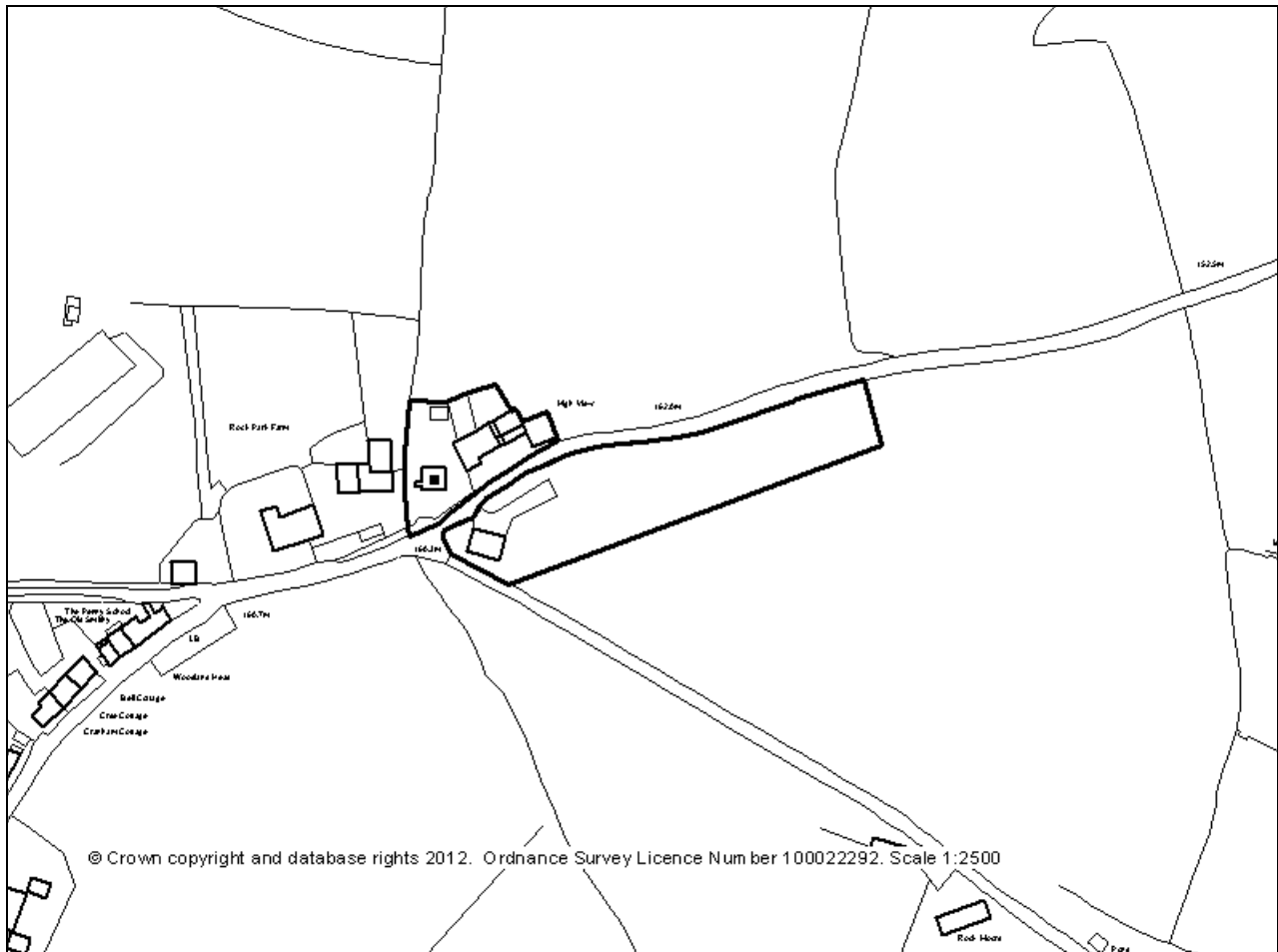
Recommendations:

That the Legal Services Manager be authorised to take any appropriate legal action including the service of a notice or notices seeking to improve the amenity of the area by requiring works to be carried out at the property to ensure proper maintenance of land. In addition, in the event of a failure to comply with any notice served, the authority to prosecute, take direct action and/or to seek a court injunction.

Site Description:

High View, Woodland Head, Yeoford, Crediton. This a farm situated on the edge of the hamlet of Woodland Head with land and buildings on both sides of the road running from Woodland head towards Winstode Cross.

Site Plan:



Site History:

Nil

Development Plan Policies:

National Planning Policy Framework
Paragraph 207 - Enforcement

Reasons/Material Considerations:

High View Farm is a mixed arable and livestock farm situated on the edge of Woodland Head. In addition to the dwelling there is a range of outbuildings and livestock buildings on both sides of the road leading from Woodland Head to Winstode Cross.

Following a complaint, an enforcement officer carried out a site visit on 27th March 2014 and met with the owner of the farm. Together they viewed various parts of the farm and photographs were taken. In general, the farm was in a very untidy state with piles of old plastic wrap, baler twine, scrap metal and wood lying around the farm in clear view of the road. In addition, there were several unroadworthy vehicles, together with various old agricultural implements just abandoned in one of the fields close to the road.

The farmer explained that he did have a tidy up every now and then and had moved some scrap vehicles in the past. He was advised that it appeared that the amenity of the area was being affected by the current state of the farm and that he should take steps to tidy it up. It was suggested that he could utilise space in some of his outbuildings to store any material he felt he needed to keep, but that a lot of it could be disposed of. He was advised that a second visit would be made in mid June to check on progress and that if there was no real improvement, then the Local Planning Authority would have to give consideration to serving a Section 215 Notice requiring the land to be properly maintained.

A second site visit was carried out on 19th June 2014, when further photographs were taken and it was quite apparent that little or nothing had been done to tidy the land in the intervening time between the visits.

Your officers are of a view that a Section 215 Notice needs to be served to ensure that steps are taken to ensure the land is properly maintained in order to improve the amenity of the area.

Human Rights and Equality Issues:

Any enforcement action can be said to affect the land/property owner/occupiers human rights under the provisions of Article 8 and Article 1 of the Human Rights act 1998. In this case, the land and buildings have been in a generally poor state for some time and the owner has been given the opportunity to improve things voluntarily, but has taken no action.

The Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Town and Country Planning Act 1990 (as amended), so as to prevent demonstrable harm to the interests of acknowledged importance and to protect the environment

Options for action or remedy:

The list of options available is as follows:

Take no action:

This would no longer be an appropriate course of action. The land and buildings have deteriorated and with them being located in a highly visible area, there is now an obvious effect on the amenity of the area.

Issue Enforcement Notice to seek the proper maintenance of the land and building - This is seen as the appropriate course of action.

Reasons for Decision:

The land and buildings have been in a generally poor state with an increasing amount of rubbish building up. The owner has been given a chance to improve things but has done little or nothing to resolve the issue.

Steps Required:

1. Remove from the land to an authorised place of disposal, any scrap vehicles.
2. Remove from the land to an authorised place of disposal, any scrap metal, not required for spares or repair on the farm.
3. Move any scrap metal that can be utilised on the farm to a covered storage place so as to be away from public gaze.
4. Remove from the farm any plastic sheeting, wrap, buckets and containers, that are no longer fit for purpose, to an authorised place of disposal.
5. Move any plastic sheeting, wrap, buckets and containers that can be utilised on the farm to a covered storage place.
6. Remove from the land, to an authorised place of disposal, any baler twine, cord or rope that is not reasonably required for use on the farm.
7. Move any twine, cord or rope that is to be used on the farm, to a covered storage place.

Period for Compliance:

1. Three months from the date the notice takes effect.