



Winchester
City Council

COUNCIL MEETING – 11 January 2006

Question under Council Procedure Rule 14(2)(b)

QUESTION 1

From: Councillor Sutton

To: The Portfolio Holder for Planning

“ What powers exist to the Local Planning Authority over the owners of sites that have the benefit of planning permission for development but have become appalling derelict eyesores?

Is there any way to compel the owners to tidy up these sites ?”

Reply

“Under Section 215 of the Town & County Planning Act 1990 if it appears to the Local Planning Authority (LPA) that the amenity of a part of their area is adversely affected by the condition of the land, they may serve a notice requiring its proper maintenance. If the notice is not complied with (minimum period of 28 days from date of service) an offence is committed for which the owner or occupier may be prosecuted. Alternatively, the LPA can arrange to execute the works themselves and charge the owner accordingly.

There is a right of appeal against the service of a S215 Notice to the Magistrates' Court on the ground that the appearance of the land is attributable to the lawful use (eg planning permission granted to use the land as a scrap yard, and its appearance is a consequence of the use).”