

## **EAST LINDSEY DISTRICT COUNCIL DECISION NOTICE**

1. Decision to be taken: To engage the services of an external contractor in connection with a planning enforcement case for an untidy site at: Land at Chapel Lane, Addlethorpe. Following the direct action, to initiate enforced sale proceedings against the property. Enforcement case reference EC/2/65/20.
2. This is a Portfolio Holder supported officer decision.
3. The following is the decision making body or person:  
  
Jo Parker after consultation with Chief Executive and Portfolio Holder.
4. Financial implications from this decision have been communicated to the Portfolio Holder and Chief Executive? Yes
5. The decision was taken on: 23<sup>rd</sup> April 2021.

**Note: - the above date to be completed by Democratic Services upon publication**

6. Contact Officer and details: Jo Parker, Service Manager - Enforcement. Planning Enforcement Team. Tel 01507 613555.
7. List of documents submitted for consideration in relation to the matter in respect of which the decision is to be made : None – enforcement documents are confidential.
8. Where the documents are held and where they can be obtained from (except exempt items) when they become available: Not Applicable
9. The reason for the decision and other alternative options considered and rejected:

The Council have issued a Section 215 Notice on 22<sup>nd</sup> September 2020 requiring the land to be tidied and the land to be secured. The appearance is visually detrimental to the area by reason of the waste and items 'dumped' on the land, this has further encouraged more fly tipping in the location and on the land. It has also been subject to some illegal activity which the Police have also dealt with. The registered owners of the land have failed to respond. The Notice has not been complied with, and since the notice has been issued further waste and items have been dumped on the site. In an effort to try and tackle the ongoing activity on the land, the Council have further issued a Community Protection Notice on the landowners and on "persons unknown" by displaying the CPN on the land. The continued activity is considered to be anti-social. This land is on a main road, and due to the scale of its untidiness, it is very prominent. The road leads to Chapel St. Leonards and Ingoldmells which is very busy and will be seen by holiday makers visiting the area; it does not give a good impression and it is generating a significant volume of complaints. The Waste is also starting to encroach out onto the road and in high winds, drivers have reported to having to pull over onto the side of the road to remove items so that they are able to safely pass. Direct action to clear the site is therefore required to be taken swiftly to resolve the visual, anti-social and health and safety aspects of this case.

## Decision Notice Form (ExD2)

Failing to comply with the requirements of both Notices is an offence prosecutable in the Magistrates Court. The Council intends to initiate prosecution proceedings for non-compliance due to the amount of waste on the site and due to the lack of compliance. However, the Court cannot force compliance with the requirements of the notice; the offence is simply failing to comply. As such legal proceedings would still not resolve the problems at the site itself. Therefore, direct action is required, and the Council intends to also initiate prosecution proceedings alongside the direct action work itself.

For direct action, the Council will engage the services of an external contractor to carry out the requirements of the Section 215 notice and Community Protection Notice. The cost of direct action will be placed as a charge on the land. Following this, the Council can initiate an enforced sale to sell the land. The cost of the direct action will be recovered by the Council via the proceeds of the sale, plus any interest.

10. Declaration of any conflicts of interest of the decision making body or the individual:

None

11. Provide a note of any subsequent dispensations granted by the Head of Paid service:

### **Financial Implications of this Decision:-**

Estimated cost:- The quote received is £24,600 (includes VAT @20%). This is due to specialist waste removal being required, the amount on site, and the length of time required to clear it in accordance with the Notices.

Funded from:- Existing planning enforcement direct action budget.

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**N.B. Please enter names below, signatures will be retained as a hard copy and will not be published therefore should be provided on page 3 of this form:**

Date: 19<sup>th</sup> April 2021

13. This decision has been signed off by:

**(signatures should be provided on page 3)**

Head of Paid Service/S151 Officer or person presiding

Mr. R. Barlow. S151 Officer/Acting Chief Executive

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Leader/Officer:

Jo Parker. Service Manager – Enforcement.

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Portfolio Holder:

Cllr. T. Ashton. Built Environment Portfolio Holder

Decision Notice Form (ExD2)

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