

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

1. Decision to be taken: To engage the services of an external contractor to take direct action in connection with a planning enforcement case for an untidy site at: Land at Violet View, Middlemarsh Lane, Ashington End. Following the direct action, to initiate enforced sale proceedings against the land (legislation permitting). Enforcement case reference EC/23/6/19.
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: 17 September 2021
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 Community Protection Warning on 28<sup>th</sup> May 2019 followed by the issuing of Community Protection Notice on 1<sup>st</sup> August 2019. The notice required various steps to be taken to remove items from the land (as specified on the notice), address the overgrowth and control the lighting of fires and burning on the land. The appearance is visually detrimental to the area by reason of the untidy appearance and activity on the land which is anti-social to people living nearby. The land owners and occupier(s) have failed to respond and the Notice has not been complied with.

Enforcement action was held during Covid19 lockdown restrictions and also because the land was put up for sale, which may have resolved this matter. The sale did not proceed and covid 19 restrictions have now been nationally lifted. Complaints continue to be received about the condition and activity on the site. Direct action to clear the site is therefore required to be taken to resolve the visual, anti-social and any health and safety aspects of this case.

Failing to comply with the requirements of the Notice is an offence prosecutable in the Magistrates Court. However, the Court cannot make the owners comply with the notice if they are convicted. It therefore is considered not to be in the public interest to pursue prosecution proceedings at this time, as it would fail to resolve what the Notice is seeking to achieve. As such direct action is the favoured option.

For direct action, the Council will engage the services of an external contractor to carry out the requirements of the Community Protection Notice. The cost of direct

Decision Notice Form (ExD2)

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:- Around £5000 subject to change as specialist disposal of some items may be required.

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: 3<sup>rd</sup> September 2022.

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

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