

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: 79 Sea Road, Chapel St. Leonards, PE24 5RX to take direct action. Following the direct action, to initiate enforced sale proceedings against the property. Enforcement case reference EC/031/804/19.
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: 29 April 2022

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 Notices on 11.09.2020 requiring the land to be tidied and the derelict property to be secured. The appearance is visually detrimental to the area and as it has been vacant for several years now. The registered owner fails to respond. The Notice has still not been complied with and the amount of rubbish and vegetation, particularly in the back garden has increased.

Failing to comply with the requirements of the Notice is an offence prosecutable in the Magistrates Court. In this case, there is no one we have managed to trace to initiate legal proceedings against. Furthermore, even if legal proceedings could be taken, 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, and it would not be in the public interest to take this route.

The alternative option available for non-compliance with the Notice, is for the Council to engage the service of an external contractor to carry out the requirements of the Section 215 notices. 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 property. The cost of the direct action will be recovered by the Council via the proceeds of the sale, plus interest.

Decision Notice Form (ExD2)

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:- £4560.00

Funded from:- Existing planning enforcement direct action budget.

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: 22.04.2022

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

Leader/Officer:

Jo Parker. Service Manager – Enforcement.

Portfolio Holder:

Cllr. T. Ashton. Built Environment Portfolio Holder
