



## North Devon Council

### **Title of Decision Requested: s215 Notice - 58 Chanters Hill, Barnstaple EX32 8DW – WK/202207368 and WK/202409428**

Decision requested by decision maker:

Serve a notice under s215 of the Town & Country Planning Act 1990 to require works to improve the visual appearance of 58 Chanters Hill, Barnstaple EX32 8DW

#### 1. BACKGROUND / REASONS FOR THE DECISION REQUEST

1.1. The condition of the building significantly adversely affects the amenity of the area.

1.2. The proposed requirements of the s215 notice (the Notice) do not exceed what is necessary for preventing the condition of the building from adversely affecting the amenity of any part of the area. Further, the proposed requirements will remedy the harm currently being caused by the condition of the building. The proposed requirements are set out in Section 6.6 below.

2. FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

2.1. There are no immediate cost implications to issuing the Notice. However, should the Notice not be complied with, a further decision may be required for the Council to carry out the works in default, which will incur a cost.

#### 3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED?

3.1. An empty homes report was submitted by local resident who was worried about the condition of the property, in particular the overgrown gardens and the boundary retaining block wall adjacent to the highway. Building control inspected the wall and considered it dangerous. I contacted the owner of the property and her solicitor to request that works be carried out to improve the appearance of the property. I did not receive a response so I wrote again and have not received to my second letter either.



#### 4. ANY CONFLICT OF INTEREST DECLARED?

4.1. None

#### 5. DISPENSATION IF GRANTED

5.1. N/A

#### 6. BACKGROUND PAPERS

The following background papers were used in the preparation of this request (The background papers are available for inspection and kept by the author):

- 6.1. Visits to the property show that the boundary retaining block wall adjacent to the highway is in disrepair and the gardens are overgrown
- 6.2. Council tax records showed that the property was occupied but no council tax payment had been made for a number of months
- 6.3. The recovery agent traced the owner to a residential care home in Lancashire
- 6.4. Social Services and the residential care home have confirmed that the owner has permanently resided in the residential care home since August 2023 and have provided details of her solicitor as her contact.
- 6.5. I have written to the owner and her solicitor twice to request a commitment to improving the appearance of the property and have not received a response
- 6.6. The works required are as follows:
  - Repair the boundary retaining block wall adjacent to the highway
  - Demolish and rebuild the parts of the boundary retaining block wall adjacent to the highway that are unstable or have bowed using like for like materials
  - Rebuild any collapsed or missing parts of the boundary retaining block wall adjacent to the highway using like for like materials
  - Clear the overgrown vegetation from the gardens
  - Remove any resulting rubbish, rubble and vegetation from the land and dispose of it in a responsible manner

#### 7. CONSULTATION UNDERTAKEN (Please note all who have been consulted on this decision):

7.1 Building Control and Legal Services



8. OFFICER REQUESTING DECISION TO BE TAKEN: (please insert name and job title): Fred Shelton, Housing Officer – Empty Homes

9. NAME OF DECISION TAKER: Daryl Littlejohns, Environmental Health Manager

10. DATE DECISION TAKEN: 30 January 2025

11. APPROVED BY DECISION TAKER: Yes

12. DECISION TAKER'S COMMENTS:

I am satisfied that the proposed requirements of the s215 Notice (the Notice) do not exceed what is necessary for preventing the condition of the building from adversely affecting the amenity of any part of the area. The proposed requirements will remedy the harm currently being caused by the condition of the building. Further more I am satisfied the authorised officer has made reasonable enquiries to find an informal means of refurbishing the condition of the empty property and has acted proportionality. This is consistent with the Regulators Code (April 2014)