



North Devon Council

Title of Decision Requested: s215 Notice - Hillandale, Muddiford, Barnstaple EX31 4HA – ref WK/202306993 and WK/202410017

Decision requested by decision maker: (*Please insert decision requested here)

Serve a notice under s215 of the Town & Country Planning Act 1990 to require works to improve the appearance of the building and garden at Hillandale, Muddiford, Barnstaple EX31 4HA

1. BACKGROUND / REASONS FOR THE DECISION REQUEST

- 1.1. The condition of the building and garden adversely affects the amenity of the neighbour and 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 6.7 below.

2. FINANCIAL IMPLICATIONS:

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

3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED?

- 3.1. The owner of the building has passed away. Probate has been granted and her solicitors manages the estate. Despite attempting to engage with the solicitors, no contact has been received from them.

4. ANY CONFLICT OF INTEREST DECLARED?

- 4.1. None

5. DISPENSATION IF GRANTED

5.1. N/A

6. BACKGROUND

6.1. Council tax has the property recorded as being empty and unfurnished since 2023 when the owner passed away. Probate was granted in March 2024.

6.2. The council tax records show that the executors are a solicitors in Torquay and the council tax account balance has been paid in full.

6.3. Following a number of complaints from the owner-occupier of the adjoining property regarding the poor condition of Hillandale and its garden I undertook a site visit and it was clear that the condition of the property adversely affects the neighbour and the amenity of the area.

6.4. I wrote to the solicitors of the deceased owner requesting a written undertaking that works will be carried out to repair defective rainwater goods to the rear of the property to ensure no water run-off onto the adjoining property, repair the roof of the outbuilding and clear the overgrown rear garden, which is actually mainly behind and above the rear of the adjoining property.

6.5. Despite attempts to engage, no contact has been received from the solicitors of the deceased owner.

6.6. It is proportionate to issue a s215 Notice to remedy the adverse impact on the amenity of the neighbour and area.

6.7. The works required are as follows:

1. Repair any defective rainwater goods and install rear guttering to ensure that there is no water run-off onto the adjoining property
2. Repair the roof of the outbuilding, including fixing loose tiles and replacing missing tiles on a like for like basis
3. Clear the overgrown vegetation from the rear garden to ground level and remove any tree branches that overhang Hillandale and the adjoining properties
4. Remove any resulting debris from the land and dispose of it in a responsible manner

7. CONSULTATION UNDERTAKEN

7.1 None

8. OFFICER REQUESTING DECISION TO BE TAKEN: Fred Shelton, Housing Officer – Empty Homes

9. NAME OF DECISION TAKER: Daryl Littlejohns (Environmental Health Manager) Environmental Health & Housing

10. DATE DECISION TAKEN: 14th February 2025



11. APPROVED BY DECISION TAKER: Yes (*Please delete as appropriate)

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)