

The following is an extract from the relevant Section of the Town and Country Planning Act 1990 (as amended)

SECTIONS 216 OF THE TOWN AND COUNTRY PLANNING ACT 1990

Penalty for non-compliance with s216 notice

- 1) The provision of this section shall have effect where a notice has been served under section 215
- 2) If any owner or occupier of the land on whom the notice was served fails to take steps required by the notice within the period specified in it for compliance with it, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale
- 3) Where proceedings have been brought under subsection (2) against a person as the owner of the land and he has, at some time before the end of the compliance period, ceased to be the owner of the land, if he:-
 - a. Duly lays information to that effect, and
 - b. Gives the prosecution not less than three days' notice of his intention

He shall be entitled to have the person who then became the owner of the land brought before the court in the proceedings

- 4) Where proceedings have been brought under subsection CL against a person as the Occupier of the land and he has, at some time before the end of the compliance period, ceased to be the occupier of the land, if he:-
 - a. Duly lays information to that effect; and
 - b. Gives the prosecution not less than three dear days' notice of his intention

He shall be entitled to have brought before the court in the proceedings the person who then became the occupier of the land or, if nobody then became the occupier, the person who is the owner at the date of the notice.

- 5) Where in such proceedings:-
 - a. It has been proved that any steps required by-the notice under Section 215 – have not been taken within the compliance period, and
 - b. The original defendant proves that the failure to take those steps was attributable, in whole or in part, to the default of a person specified in a notice under subsection (3) or (4):-

Then:-

- i. That person may be convicted of the offence; and
 - ii. If the original defendant also proves that he took all reasonable steps to ensure compliance with the notice, he shall be acquitted of the offence.
- 6) If after a person has been convicted under the previous provisions of this section, he does not as soon as practicable do everything in his power to secure compliance with the notice, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding (one tenth of level 3 on the standard scale) for each day following his first conviction on which any of the requirements of the notice remain unfulfilled.
- 7) Any reference in this section to the compliance period, in relation to a notice, is a reference to the period specified in the notice for compliance with it or such extended period as the local planning authority who served the notice may allow for compliance.

**RIGHTS OF APPEAL AGAINST SECTION 215 NOTICE
SECTIONS 217-218 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

217 – (A) A person on whom a notice under Section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds:

- a) That the condition of the land to which the relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
- b) That the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of Part III;
- c) That the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the Local Planning Authority, who served the notice, or any adjoining area;
- d) That the period specified in the notice as the period in within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.
- e) Any appeal under this section shall be made to the Magistrates Courts acting for the petty sessions in which the land in question is situated.
- f) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal
- g) On such an appeal the Magistrates Court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.
- h) On the determination of such an appeal the Magistrates Court shall give directions for giving effect their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.
- i) Where any person has appealed to a Magistrates Court under this section against a notice, neither that person not any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

218 – Where an appeal has been brought under Section 217, an appeal against the decision of the Magistrates Court on that appeal may be brought to the Crown Court by the appellant or by the Local Planning Authority who served the notice in question under section 215.



Hinckley & Bosworth
Borough Council

A Borough to be proud of

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)
SERVED BY HINCKLEY AND BOSWORTH BOROUGH COUNCIL

To:

**Ivan Dean Preson, Durhamwood, Church Close, Broughton Astley, Leicestershire
LE9 6PS**

**Sean Preson, Durhamwood, Church Close, Broughton Astley, Leicestershire
LE9 6PS**

**Sean Preson, The Barn, Springfield Farm, Forest Road, Huncote, Leicestershire
LE9 3LE**

Suzanne Joan Cooke, Church Close, Broughton Astley, Leicestershire, LE9 6PS

**The owners and any other person with an interest in the Land at, 271 Brookside
Burbage, Hinckley, Leicestershire LE10 2TJ.**

1. THE NOTICE

This notice is served by the Council under S215 of the above Act because it appears to them that the amenity of a part of their area is adversely affected by the condition of the land described below.

2. THE LAND TO WHICH THE NOTICE RELATES

The land known as 271 Brookside, Burbage, Hinckley, Leicestershire LE10 2TJ (Hereafter referred to as "The Land" shown edged red on the attached plan).

3. WHAT YOU ARE REQUIRED TO DO

The Council requires the following steps to be taken for remedying the condition of the Land:

- 1) Clear the land of all overgrown vegetation and waste making sure that the land is suitably secured with heras fencing (or similar). Where the fencing fronts a highway it should be no more than 1 metre in height, elsewhere it should be no higher than 2 metres.
- 2) All items, materials and general waste removed from the Land to be disposed of to an authorised place of disposal.

4. TIME FOR COMPLIANCE

Steps 1 & 2 above to be complied with in full within two months on which this notice takes effect.

5. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 08th January 2023

C. Brown.

Signed: _____

Dated: 1st December 2022

Christopher Brown MRTPI
Planning Manager (Development Management)

THE PLAN – 271 Brookside, Burbage, Hinckley, Leicestershire LE10 2TJ.

