

**REPORT FROM:** PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 4th April 2019

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**PLE/18/1270 Land to the south of Curzon Street, Colne**

**PURPOSE OF REPORT**

Update to committee into land affecting the amenity of the area due to the condition of security fencing.

**RECOMMENDATIONS**

To note the report and support enforcement action.

**REASONS FOR RECOMMENDATIONS**

As a result of the condition of the security fence the amenity of the area has been harmed.

**ISSUES**

1. On 23 November 2018 the site was inspected and found to be an area of private land which had previously been secured by 2m high chain link fencing and topped with barbed wire, both suspended on concrete posts. The fencing had been left unmaintained resulting in the majority of the fencing and barbed wire now being lost or part suspended on the concrete supports. This was highly visible from public land and results in harm to the amenity of the area.



2. The owner of the land was traced and contacted on the 18 December requiring the fencing to be restored and damaged materials removed from the area visible to the public. 2 months were allowed for the action.
3. The owner of the property has failed to undertake any restoration of the fence within the time required a section 215 notice has been served on the owner and comes into force on 30 April.
4. The Notice requires:  
The removal of all unserviceable chain link fencing and barbed wire from the fence and land visible from the public area.  
The restoration of the chain link fencing and barbed wire along the fence.

The time allowed is 28 days following the notice coming into force, works should be completed by 1 June 2019. Unless an Appeal against the s215 Notice is made by the owners then enforcement action will proceed.

5. On 25<sup>th</sup> March 2019, Planning Enforcement was contacted by the landowner who offered to arrange for the fencing to be removed and that the concrete posts to be reduced to a height of 3 feet to mark the boundary.

By offering this option, not only will the actions restore the areas amenity, but an improvement will be achieved by the removal of the highly visible fencing obscuring the public view of the open countryside beyond.

If the landowner carries out the works, the result would be one which could not have been achieved by enforcement action.

## **IMPLICATIONS**

**Policy:** None

**Financial:** Risk of costs being awarded if enforcement considered unreasonable.

**Legal:** None arising directly from the report.

**Risk Management:** None arising directly from the report.

**Health and Safety:** None arising directly from the report.

**Sustainability:** None arising directly from the report.

**Community Safety:** None arising directly from the report.

**Equality and Diversity:** None arising directly from the report.