

# CARLISLE CITY COUNCIL

**Report to:-** **Development Control Committee**

**Date of Meeting:-** 25th January 2013

**Agenda Item No:-**

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**Public**

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**Title:-** **UNTIDY CONDITION OF GARDENS AT 7 BRIAR BANK,  
CARLISLE**

**Report of:-** **Director of Economic Development**

**Report reference:-** **ED 06/13**

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## **Summary:-**

This report presents an update on the current position and seeks authority to enter the land and carry out direct action to tidy up the gardens.

## **Recommendation:-**

That Members note the content of the report and authorise officers to pursue direct action

**Contact Officer:** Martin Tickner

**Ext:** 7175

**J Meek**

Director of Economic Development

16 January 2013

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None**

## **1. BACKGROUND INFORMATION AND OPTIONS**

- 1.1** This matter relates to a property at 7 Briar Bank, Carlisle which has been vacant for over 10 years. The gardens have become increasingly overgrown with trees, particularly in the rear garden. The property is partially boarded up and secure, however the rear boundary fence is missing and as such the garden is becoming a dumping ground.
- 1.2** Environmental Health Officers have visited many times but have concluded there is little action that can be taken as there is no direct risk to health such as vermin infestation.
- 1.3** However, the unsightly nature of the property is of concern to local residents. Under such circumstances the most appropriate course of action is to pursue a Section 215 Disamenity Notice where it appears to the local authority that the amenity of a part of their area is adversely affected by the condition of the land.
- 1.4** The current owner of the property (the son of the former owner) lives in Essex and to date has not responded to any correspondence from this section asking him to tidy up the gardens.
- 1.5** The original owner is in a care home and there is a considerable charge on the property owed to Cumbria County Council

## **2. REPRESENTATIONS**

- 2.1** Local residents and members have voiced their concern about the continuing deterioration of the property and in particular the state of the gardens

## **3. CURRENT POSITION**

- 3.1** Discussions took place in 2012 between the Director of Governance and the Legal Solicitor at Cumbria County Council.
- 3.2** Cumbria County Council is keen to see the property tidied up and agreed that the cost of serving a section 215 notice and carrying out works to tidy up the gardens may be deducted from the sale proceeds of the property, provided that such costs do not exceed the sum of £3000.

- 3.3** A Section 215 Notice has been served on the current owner requiring all of the grass, weeds, hedgerows, trees and shrubs and all other vegetation in both the front and rear gardens to be cut down, and where relevant, removed from the land. The notice also requires the removal of all other items of plastic, timber, damaged fence panels and other discarded items of rubbish. It will also be necessary to erect a 1.8m high boundary fence to the rear of the property to prevent further trespass and fly tipping.

#### **4. CONCLUSION**

- 4.1** As anticipated, there has been no contact from the land owner and no compliance with the Section 215 Notice.
- 4.2** An estimate has been sought from the Council's Greenspaces team to cut back all of the vegetation in the gardens and to remove the same along with all other items of discarded rubbish and soil etc. The total cost including operatives, provision of a skip and all machinery, and fuel amounts to £1812.50 with a further charge of approximately £450.00 to erect a boundary fence i.e. £2262.50 in total.

#### **5. RECOMMENDATION**

- 5.1** It is recommended that the estimates provided by Greenspaces of £1812.50 to tidy up the gardens and a further £450.00 to erect a fence be accepted. It is also recommended that the Greenspaces team be granted authority to enter the land to carry out the works at their earliest convenience.

#### **6. IMPLICATIONS**

- Staffing/Resources – Officers have been trying to resolve the situation with the landowner without success
- Financial – There is a financial implication to the Council in respect of carrying out the works to tidy up the gardens which may be recovered following any subsequent sale up to £3000.
- Legal – Legal advice has been sought during preparation of the Section 215 Notice
- Corporate – The work outlined in this report will help to deliver the Corporate Plan objective that relates to achieving improvements in the quality of the local environment.

- Risk Management – A risk assessment will need to be carried out by Greenspaces
- Equality and Disability – Not applicable
- Environmental – Environmental issues and the adverse affect the condition of the property is having on the immediate neighbourhood have been taken into consideration
- Crime and Disorder – Not applicable
- Impact on Customers – Local residents and members have expressed concern over the continuing unsightly appearance of the property

### **Impact assessments**

**Does the change have an impact on the following?**

<b>Equality Impact Screening</b>	<b>Impact Yes/No?</b>	<b>Is the impact positive or negative?</b>
Does the policy/service impact on the following?		
Age	<b>No</b>	
Disability	<b>No</b>	
Race	<b>No</b>	
Gender/ Transgender	<b>No</b>	
Sexual Orientation	<b>No</b>	
Religion or belief	<b>No</b>	
Human Rights	<b>No</b>	
Health inequalities	<b>No</b>	
Rurality	<b>No</b>	

**If you consider there is either no impact or no negative impact, please give reasons:**

The impact created by the unsightly property has the potential to affect the immediate environment and residents in the vicinity and is not directed at a single group/area

**If an equality Impact is necessary, please contact the P&P team.**