

# What is Section 215 of the Town and Country Planning Act 1990? And how did the Dover Society become involved?

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**Chairman Planning Committee**

The Section 215 introduction sets out the objective as under: Section 215 (s215) of the Town & Country Planning Act 1990 (the Act) provides a local planning authority (LPA) with a power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out. LPAs also have powers under s219 to undertake the clean-up works themselves and to recover the costs from the landowner.

It was in 2006 that I first raised this with Dover District Council (DDC) our local planning authority (LPA) and for four years all I received was "it is too costly and legal difficulties to take such action". I discovered that Hastings Borough Council (HBC) was the most active LPA in the UK enforcing Section 215. At my expense I visited Hastings on several occasions to ascertain how HBC went about enforcing s215s. Basically:

- 1 Identify property (with photographic evidence).
- 2 Identify the Freeholder (Land Registry).
- 3 Send initial warning letter outlining what is required to be done and ask to make contact within 10 working days.
- 4 If no contact made. Second warning

letter as per 3 above and to contact within 10 working days.

- 5 If no works have been started send Section 330 notice.
- 6 Serve notice explaining enforcement will commence within 28 working days. Make sure notice is served by hand. If there is an absentee landlord, laminate the enforcement and pin to the door of the property as this is classed as notice served.
- 7 After expiry of Notice. Serve letter warning of prosecution.
- 8 Proceed to Court.

In Hastings s215 is looked at as a "regeneration tool" and many run-down areas have been regenerated by using s215. HBC also "names and shames". For every s215 property at least four others improve because it is known the council are coming. HBC between 2000 and 2010 had served over 2,000 properties with s215 notices. Success is based on "defined areas" rather than scattered individual properties. HBC have an enforcement team of three devoted to s215 activities as costs are justified for regeneration and recouped if taken to court.

In 2011 I was elected as a Dover Town Councillor (DTC) and as DDC had indicated that s215 activities were too expensive I challenged this based on HBC. As DDC "counted officer time", they are already employed and paid for, in particular preparing the list of properties that should be considered for s215 action and supported by

photographic evidence, Land Registry searches, first and second letters.

I formed a small Dover Society working group that delivered item 1, items 2, 3 and 4 being carried out by DTC. My thanks to Allison Burton (DTC Town Clerk) and, importantly Karen Dry, for the hard work she did in Land Registry searches and preparation of letters. From item 5 it is required action must come from our LPA. Whilst the DDC Enforcement Officer (Jim McEwan) was highly supportive, the legal team at DDC took every opportunity to hold back from further action.

The areas that we had identified were;

- 1 Maison Dieu Road from Pencester to Castle Street (22 properties)
- 2 Castle Street (21 properties)
- 3 Market Square and Bench Street (15 properties)
- 4 Cannon Street and Biggin Street (12 properties)

Total "Town Centre" 70 properties.

We also considered the town end of Folkestone Rd required action, as many properties were in a poor state of repair and not giving a good image for visitors arriving by train, 38 properties being identified.

One property in Athol Terrace was also included as this was a direct eye-sore for overseas visitors leaving the Eastern Docks.

Of the 109 properties by 2013 52% had seen work completed or underway. Based on HBC experience of owners improving properties not on the list we could potentially see over 400 properties improved.

One site that I have constantly sought DDC action is the former Crypt site, to include a Trompe-l'oeil façade. DDC have consistently refused to take action due to "legal complications". I am sure it would be a vastly

different situation if we had a LPA such as Hastings.

Since 2010 DDC have only served seven Section 330 notices in respect of Dover and reflects the decision by DDC to concentrate on other areas of the district as District Councillors were complaining of too much time taken on Dover, totally ignoring the fact Dover needed "regeneration" which was not the case in other areas of the District, in particular Sandwich and Deal.

In conclusion it is interesting that within the s215 of the Act is a section to LPAs in respect of regeneration as under: "Section 215 powers have a role to play in LPAs response to the Government's sustainable regeneration agenda. Indeed, several LPAs have successfully demonstrated how s215 action can be used as an integral part of regeneration and built environment improvement programmes. LPAs should not sit back and wait for complaints however. Rather they should be proactive in identifying and taking action against buildings and land, the condition of which are regarded as unsatisfactory. It is also important that LPAs share information and work in co-operation with regeneration, economic development, housing departments and other regeneration agencies as part of a wider strategy of local environment improvement and regeneration".

I hope this has given you an insight to this subject that I have been passionate to see succeed in Dover, despite obstacles continuously being placed in the way by DDC. The town centre has recently been designated the "Old Town" and as such I hope they recognise the heritage assets. They have also introduced a revised organisation in respect to enforcement. We hope this will see improvements that are well overdue in Dover.