

BURNLEY BOROUGH COUNCIL

TACKLING UNTIDY LAND

The Council receives a growing number of complaints about untidy land. Under Section 215 of the Town and Country Planning Act 1990 - Land Adversely Affecting Amenity of Neighbourhood - the Council can require land owners to tidy their sites.

In February 1997 the Council made a decision to deal with complaints about untidy land under the 'Untidy Land Procedure'. Each complaint is recorded and dealt with under a set procedure, which is set out over the page under 'How will my complaint be dealt with'.

How Is Untidy Land Defined?

A judgment has to be made about whether land is untidy - there is no definition. The judgment has to be based on the degree of untidiness, adverse effect on the neighbourhood and whether legally it would be acceptable if the case went as far as the magistrates court.

In some cases it will be obvious that a site is untidy. For example when it is covered with tipped rubbish. Other cases, which might not be so clear, include sites where a small amount of litter has collected and where grass is not maintained or weeds not controlled.

Only in extreme cases will the procedure be applied to private garden areas. House occupiers have a right to use their garden area in connection with the enjoyment of their home and there will be a wide range of views about a 'tidy' garden or yard area.

Complaints, which involve health, or safety issues may be best dealt with by the appropriate service unit and will be referred to that unit.

How Will My Complaint Be Dealt With?

- Complaints/enquiries received are recorded on a central file and allocated a case number.
- The complaint/enquiry will be acknowledged and assessed within **5 working days** and the person raising the enquiry will be told about the assessment and which officer/service unit is dealing with it.
- If the complaint is not considered to be appropriate for continued action under the procedure reasons will be given. Even so a polite request for action may be sent or the site monitored over several months.
- If the land is in Council ownership the complaint will be passed to the appropriate Service Unit for action.
- If ownership of the site is not known enquiries will have to be made and this may cause some delay.

- When ownership is known a letter will be sent to the owner requesting that the site be tidied within **28 days**.
- If the site is not tidied within this period a further letter will be sent allowing a further **14 days** for the site to be tidied. At the same time confirmation of ownership details (required by law) are sought.
- If the site is still not tidied a Notice under Section 215 of the Town and Country Planning Act 1990 is served. This notice specifies the action to be taken to tidy the site and the time scale in which it must be done. The Notice will not come into effect for **28 days** (which allows the landowner to appeal) and also allows a **further, reasonable, period of time** for the work to be done.
- Failure to comply with this Notice will make the landowner guilty of an offence and liable on summary conviction in the Magistrates Courts to a fine of up to £1,000. The Council also has powers to carry out the works and recover the expenses from the owner.

In most cases the land is tidied after the first letter is sent but some cases do take longer. Information about the progress of the case can be obtained from the officer or service unit dealing with the complaint.