

Please ask for: Danielle Matthews  
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Email: danielle.matthews@medway.gov.uk  
Our Ref: ENF/12/0355  
Date: 1 February 2013



Mr Anwar Shah  
364 High Street  
Rochester  
Kent  
ME1 1DJ

Planning Enforcement Team  
Development, Economy and Transport  
Regeneration, Community and Culture  
Gun Wharf  
Dock Road  
Chatham  
Kent ME4 4TR  
Telephone: 01634 331700  
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Dear Mr Shah

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**RE: 364 HIGH STREET, ROCHESTER, ME1 1DJ**

**Service of Notice pursuant to Section 215 of the Town and Country Planning Act 1990.**

I would inform you that I have received authorisation from the Council's Development Manager to issue a notice in respect of the above land and property. I therefore, enclose herewith a Notice pursuant to Section 215 of the Town and Country Planning Act 1990 requiring work to be undertaken on the said land and property within the timescale set out therein.

Please note that it is imperative that the Notice is complied with in accordance with its strict terms. Failure to comply with the Notice will lead to further legal action being taken.

Yours sincerely,

Danielle Matthews  
Development Management

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR LAND & PROPERTY  
TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

**NOTICE UNDER SECTION 215 AS TO LAND & PROPERTY ADVERSELY  
AFFECTING THE AMENITY OF THE AREA**

**SERVED BY:** Medway Council

Land at: 364 HIGH STREET, ROCHESTER, ME1 1DJ

To: Mr Anwar Shah  
364 High Street  
Rochester  
Kent  
ME1 1DJ

**RECITALS**

1. Medway Council ("the Authority") is the local planning authority in respect of the Land & property described above (and shown edged red on the plan attached to this Notice) ("the Land").
2. It appears to the Authority that the amenity of a part of their area is adversely affected by the condition of the Land & property.

**TAKE NOTICE** that the Authority requires the steps specified in the Schedule to this Notice to be taken for remedying the condition of the Land & property within the period of 56 days from the date upon which this Notice shall take effect.

**WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 1 March 2013.

## **SCHEDULE:**

1. To remove the rubbish, refuse and waste material from the said land & property and suitably dispose of at a registered waste disposal facility.
2. Replace bottom sash of middle first floor window to match adjacent window. Decorate new sash, reglaze and leave window in good working order.
3. Remove boarding to front entrance door. Replace any broken glazing with new glass to appropriate specifications or replace door as necessary to match exactly existing detailing.
4. Repaint shopfront in white including undercoats and topcoats.
5. Piece in timber moulding/cornice above fascia of shopfront where rotten to match. Redecorate to match shopfront.
6. Cut in new lead flashing to cornice above shopfront to protect cornice from weather.
7. Remove all vegetation growing on front elevation wall, make good brickwork by repointing to match as necessary.
8. Replace missing cast iron hopper to front rain water downpipe to match and overhaul or replace downpipe as necessary, ensuring the whole is left sound on completion.
9. Provide internal decorative screening or apply retail window dressing to shopfront windows to block views of unsightly interior.
10. Thereafter, while the land & property is your responsibility, maintain the land & property so that it does not become detrimental to the amenity of the area.

Please note: The building is in a conservation area. To ensure that work is to the required conservation standard, please contact the Council's Design and Conservation Section before carrying out the works.

Dated:

Signed: .....

Dave Harris  
Development Manager  
Medway Council  
Dock Road  
Chatham  
Kent, ME4 4TR

**ANNEX TO THE NOTICE ISSUED PURSUANT TO**  
**SECTION 215, TOWN AND COUNTRY PLANNING ACT 1990**

***Power to acquire proper maintenance of the land & property***

215 – (1) *If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land & property in their area, they may serve on the owner and occupier of the land& property a notice under this section.*

(2) *The notice shall require such steps for remedying the condition of the land & property as may be specified in the notice to be taken within such period as may be so specified.*

(3) *Subject to the following provisions of this Chapter, the notice shall take effect at the end of such period as may be specified in the notice.*

(4) *That period shall not be less than 28 days after the service of the notice.*

***Penalty for non-compliance with s.215 notice***

216 - (1) *The provisions of this section shall have effect where a notice has been served under section 215.*

(2) *If any owner or occupier of the land & property 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 & property and he has, at some time before the end of the compliance period, ceased to be the owner of the land & property, if he –*

- (a) *duly lays information to that effect, and*
- (b) *gives the prosecution not less than three clear days' notice of his intention,*

*he shall be entitled to have the person who then became the owner of the land & property brought before the court in the proceedings.*

(4) *Where proceedings have been brought under subsection (2) 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 & property, if he –*

- (a) *duly lays information to that effect, and*
- (b) *gives the prosecution not less than three clear 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, she 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.*

### **Appeal to magistrates' court against s.215 notice**

217 - *(1) a person on whom a notice under section 215 is served, or any other persons having an interest in the land & property 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 & property to which the notice 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 & property 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 & property 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 & property from adversely affecting the*

*amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;*

*(d) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.*

*(2) Any appeal under this section shall be made to a magistrates' court acting for the petty sessions area in which the land & property in question is situated.*

*(3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination of withdrawal of the appeal.*

*(4) 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.*

*(5) On the determination of such an appeal the magistrates court under this section against a notice, neither that person nor 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.*