

Authorisation MEMO (Additional notices)

To: Head of Planning, Gun Wharf
From: Planning Enforcement, Gun Wharf

Address – 364 High Street, Rochester, Medway ME1 1DJ

Case Officer - Deinma Anga

Unauthorised works - Property adversely affecting the amenity of neighbourhood

Type of Notice (circle)

Enforcement Notice
PCN - Planning Contravention Notice
BCN - Breach of Condition Notice
Discontinuance
Withdrawal Notice

Section 330
Section 215
Stop Notice
Prosecution
Stop Notice

Details Attached (circle)

Site History - Yes No
Plans - Yes No
Photos - Yes No

Authorised by 
Deinma Anga, Case Officer

Authorised by 
Peter Hockney – Head of Development Management

Authorised by _____
Legal Services

Please ask for: Deinma Anga
Tel: 01634 331056
Our Ref: ENF/25/0046
Email: deinma.anga@medway.gov.uk
Date: 25 February 2026



Mr Anwar Shah
364 High Street
Rochester
Medway
ME1 1DJ

Planning Service
Culture And Community
Regeneration, Culture & Environment
Transformation
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
01634 331700
01634 331195

Planning.representations@medway.gov.uk

Dear Mr Anwar Shah

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

S215 TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

364 High Street, Rochester, Medway ME1 1DJ

The Council initially wrote to you on 23 July 2025 concerning the above and seeking your cooperation in improving the condition of your property.

A further inspection has been conducted and revealed that there has been no significant improvement in the condition of the property since I last wrote to you. I note that you have failed to return the Section 330 Notice as required within the period stated. I remind you that failure to complete the Notice is a criminal offence and can give rise to prosecution.

Consequently, you will now find enclosed herewith a formal Notice pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended), together with information concerning your right of appeal to the Magistrates Court. The Notice details a list of requirements to be undertaken which will rectify the adverse effect your property is having on the amenity of the neighbourhood, and the timescale in which works are to be completed.

This Notice will take effect on: 27 March 2026

The date for compliance is: 27 April 2026

Failure to comply with this Notice will leave the Council with several courses of action. Either or all of these actions may be pursued as follows:

1. A prosecution in the Magistrates Court for non-compliance with the s215 Notice – which could result in a substantial fine if found guilty of an offence.
2. The Council carrying out the works required by the Notice followed by action in the County Court to recover, from you, all expenses and costs reasonably incurred by such action.
3. Registration with HM Land Registry of a charge on your property, recoverable should your property be sold.

Please be aware that, unless the requirements of the Notice are complied with in full, and within the specified period, the Council is likely to proceed with a course of action described above.

If you wish to discuss matters further please contact me.

Yours sincerely

Deinma Anga

Derelict and Empty Properties Officer

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

To:

Mr Anwar Shah
364 High Street
Rochester
Medway
ME1 1DJ

1. THE NOTICE

This Notice is served by the Council under Section 215 of the above Act because it appears to them that the amenity of a part of their area is adversely affected by the condition of the Land and property described below.

2. THE LAND TO WHICH THE NOTICE RELATES

The Land known as 364 High Street, Rochester, Medway ME1 1DJ shown edged red on the attached plan.

3. WHAT YOU ARE REQUIRED TO DO

The Council requires the following steps to be taken for remedying the condition of the land:

- (i) Remove Budlea overgrowth from the ground floor, first floor and second floor of the front elevation of the building.
- (ii) Remove graffiti and Whitewash from the ground floor shop front windows and dress the shopfront windows.

4. TIME FOR COMPLIANCE

Steps (i) to (ii) above to be complied with in full within 31 days of the date on which this Notice takes effect.

5. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 27 March 2026

Dated: 25 February 2026

Signed:


Peter Hockney
Head of Development Management
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, he 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

Sections 217 - 218 of The Town and Country Planning Act 1990

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.*

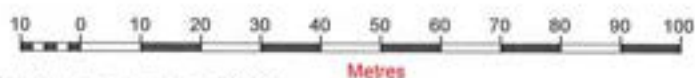
(5) *On the determination of such an appeal the magistrates court under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.*

(6) *Where any person has appealed to a 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.*

218 - *Where an appeal has been brought under Section 217, an appeal against the decision by the magistrates court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under Section 215.*



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Serving You

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Service List

Owner/ Occupier
364 High Street
Rochester
Medway
ME1 1DJ

Mr Anwar Shah
364 High Street
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Medway
ME1 1DJ

Please ask for: Deinma Anga
Tel: 01634 331056
Our Ref: ENF/25/0046
Email: deinma.anga@medway.gov.uk
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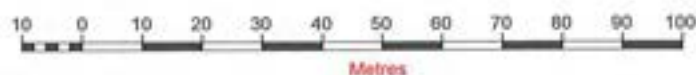
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Serving You

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