



Notices served under section 215 of the

Town & Country Planning Act 1990

Property owners will be interested in a High Court decision holding that local planning authorities (LPA's) may serve notices under section 215 of the Town & Country Planning Act 1990 (TCPA 1990) requiring improvements that go over and above strict maintenance. In particular, they may be concerned that, as a result of this decision, there appears to be no limit on the improvements that LPA's may require under section 215 notices.

The court considered that the right of appeal would limit the works that can be required: they must not exceed what is necessary. However, this will ultimately depend on the view of the court in each case.

Section 215 notices

An LPA may serve a section 215 notice where the condition of land or buildings adversely affects the amenity of an area. The section 215 notice requires the owner or occupier of the land to clean up the land or deal with the poor state of a building. It can require a wide range of works to be carried out including:

- Planting.
- Clearance.
- Demolition.
- Re-building.
- External repairs.

There is a right of appeal to the Magistrates' Court against a section 215 notice. One of the grounds for appeal is that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of the area.

For further information about the content of this note, please contact Paul Leadsom on 01704 531991 or email paulleadsom@hhlegal.co.uk