



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Maintenance of Land Notices



1. Introduction

- 1.1. Derelict and untidy land can make an area feel neglected and unsafe. If they become an eyesore they can have an adverse effect on the amenity of the area. Under Section 215 of the Town & Country Planning Act 1990 as amended ('the Act'), the Local Planning Authority (LPA) has powers to take steps requiring land (which includes buildings) to be cleaned up when its condition adversely affects the amenity of an area.
- 1.2. Where a LPA considers that the condition of land is having an adverse effect on the amenity of a neighbourhood, they can serve a Maintenance of Land Notice (MLN) on the owner or occupier of the land requiring that the condition of the land is remedied.
- 1.3. Section 217 of the Act allows for appeals against MLNs to be brought to the Welsh Ministers (Welsh Government). The Planning Inspectorate in Wales (PINS Wales) handles these appeals on behalf of the Welsh Ministers.

2. What is a Maintenance of Land Notice?

- 2.1. The MLN is served on the owner, occupier or other person with an interest in the land. It will specify the steps required to be taken to clean up the land and when these steps must be carried out (the effective date of the notice). It is an offence not to comply with the notice.
- 2.2. The scope of works that can be required in an MLN is wide and can include planting, clearance, tidying, enclosure, demolition, re-building, external repairs and repainting.
- 2.3. Sometimes, a MLN will be served in conjunction with other powers such as repair notices in respect of listed buildings or dangerous structure notices.
- 2.4. MLNs can relate to a range of situations from large vacant industrial sites, town centre street frontages, derelict buildings and semi-complete development as well as individual run down residential properties and overgrown gardens.

3. What is 'Amenity'?

- 3.1. 'Amenity' is a broad concept and is not formally defined in legislation or guidance. The question of whether the condition of land is having an adverse effect on amenity is therefore a matter of fact and degree, and common sense.

4. Making an Appeal

- 4.1. Appeals against MLNs can be made by email or post. Please see how to complete you appeal form for further information.

5. Who can appeal?

- 5.1. Any person having an interest in the land, or who is a relevant occupier of the land to which the MLN relates may appeal to us. This is normally the owner, the tenant or the leaseholder. They can do this even if the notice was not served on them. A mortgage company or other lender can also have an interest. Nobody else can appeal against a notice but they can make their views known.

6. Who decides the appeal?

- 6.1. Nearly all appeals are decided by our Inspectors who can uphold the notice, quash it, or vary its terms in favour of the appellant. In a small percentage of usually large or contentious cases, the Welsh Ministers will decide.

7. What is the time limit for making an appeal?

- 7.1. The appeal must be submitted before the effective date of the MLN. The effective date will be specified in the MLN. There is no discretion to accept appeals once the MLN has come into effect.

8. What happens if no one appeals against an MLN?

- 8.1. If no one appeals by the effective date of the MLN, it will come into effect from that date. If the person that the notice is served on does not comply within the time limit given, they may be committing an offence, and if the LPA decide to prosecute them, they may have to pay a fine.
- 8.2. Also the notice will be recorded in the relevant planning register and will show in any property searches carried out when the land or building is sold.

9. What are the grounds for making an appeal?

- 9.1. The grounds for appeal must be based on one or more of the following:
- That the condition of the land does not adversely affect the amenity of any part of the area
 - That the condition of the land is attributable to, and as such results in the ordinary course of events from the carrying on of operations or use of land
 - That the requirements of the notice exceed what is necessary to prevent the condition of the land adversely affecting the amenity of the area
 - That the period specified in the notice to remedy the condition of the land falls short of what should be reasonably allowed.

10. What should the appeal contain?

- 10.1. The appeal must include the appellant's notice of appeal and a full statement of case which should contain the following:
- The grounds of the appeal
 - The facts on which the appeal is based
 - The full particulars of the case you intend to put forward, and
 - Copies of any supporting documents
- 10.2. If the full statement of case is not submitted with the notice of appeal, it must be sent to us within 7 days of notifying us of your appeal.

11. Appeal Procedures

- 11.1. MLN appeals can proceed by written representation, hearings, inquiries or a combination of these procedures. Please see [Annexe 02 Procedures](#) for further information.

12. Responsibilities of the Appellant, LPA and Other Parties

- 12.1. When issuing an MLN the LPA should give clear and comprehensive reasons, and there must be a clear idea of what needs to be done to put things right. The LPA should ensure that the works specified in the notice do not themselves result in a breach of planning control e.g. unlawful works to a listed building.
- 12.2. LPA's should also take care to ensure that the land or buildings which is said to have an adverse effect on the amenity of a neighbourhood is identified accurately in the notice, and to serve notice only on the owner and occupiers of that land or property.
- 12.3. Everyone must meet the statutory timetables to ensure that no one is disadvantaged and that the appeal can proceed efficiently. We expect everyone to comply with the deadlines. If we receive documents after the deadlines, we may return them and they will not be seen by the Inspector.
- 12.4. It is important that there is continued discussion between the appellant and the LPA about the condition of the land so that agreement might be reached and the notice withdrawn.