

**Committee:** Cabinet **Date:** Thursday,  
24 October 2024  
**Title:** Receipt of a Blight Notice 1-40 Manor Road,  
Stansted Mountfichet, CM24 8NN

**Portfolio Holder:** Cllr John Evans,  
Portfolio Holder for Planning

**Report Author:** Dean Hermitage, Strategic Director of Planning **Key Decision:** No  
[dhermitage@uttlesford.gov.uk](mailto:dhermitage@uttlesford.gov.uk)

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## Summary

1. This report concerns the receipt of a Blight Notice under the Town & Country Planning Act 1990 (TCPA) with respect to the above properties.
2. Blight Notice procedure can be described as compulsory purchase in reverse. It is a provision whereby a property owner / claimant can initiate the acquisition of their property by the local authority if they can demonstrate that it is blighted land.
3. On receipt of a Blight Notice, the local authority has two months to consider it and respond, otherwise it is deemed to be authorised to compulsorily acquire the interest of the claimant (i.e. must purchase the property).
4. 'Blighted Land' is defined in schedule 13, section 149(1) of the TCPA. In this case, the property in question does not fall within the definition and it is recommended (for this, and other reasons) that the council objects to the notice and does not undertake to purchase the properties.

## Recommendations

5. Cabinet objects to the Blight Notice and delegates to the Strategic Director of Planning to serve a counter notice (on or before 14 November) for the following reasons:
  - i. no part of the land to which the notice relates is comprised of blighted land.
  - ii. the claimant's interest is not a qualifying interest.
  - iii. there is no evidence the claimant has made reasonable endeavours to sell and has not been able to sell.

## Financial Implications

6. No direct costs arising from this report although if Members agree to purchase the property this will have cost implications.

### Background Papers

7. None.

### Impact

- 8.

Communication/Consultation	None required
Community Safety	NA
Equalities	None
Health and Safety	NA
Human Rights/Legal Implications	As per body of the report
Sustainability	NA
Ward-specific impacts	Stansted South and Birchanger
Workforce/Workplace	None

### Situation

9. A blight Notice was served on the council on 20 September 2024 with respect to 1-40 Manor Road, CM248NN. This consists of low-rise blocks, built in 1957, of both council and privately-owned (former council) flats in Stansted Mountfichet. The claimant appears to seek purchase of his interest, No.39.
10. Sections 159 to 171 of the TCPA relate to Blight Notices. The Blight Notice procedure enables a person with a qualifying interest in a property that is blighted by the planning or development proposals of a public authority (i.e. local council), to serve notice on that authority requiring them to purchase their interest.
11. The purpose of the blight provisions is to:
  - Mitigate the hardship imposed on a person whose property interest has significantly reduced in value because of a planning or development proposal.

- Bring forward the acquisition of the interest to a time that suits the claimant, rather than the development programme of the relevant public authority.
- 12.** The procedure is sometimes described as a form of compulsory purchase in reverse, because it is the owner who initiates the procedure leading to the acquisition of their interest.
- 13.** A person claiming blight (the claimant) must demonstrate that:
- Their property is located within blighted land as defined under Schedule 13 to the TCPA 1990 (section 150(1)).
  - They have a qualifying interest in the property or are a personal representative of such a person or a mortgagee of a blighted property (section 150(1)(a)).
  - They have (with certain exceptions) used reasonable endeavours to sell their interest in the property (section 150(1)(b)) and have been unable to do so because of the blight, except at a substantially lower price than they would have expected in the absence of blight (section 150(1)(c)).
- 14.** The council can only object to a blight notice on one or more of the grounds specified in section 151(3) of the TCPA 1990.
- 15.** Schedule 13 of the TCPA states that blighted land will include such land as,
- identified for the purposes of relevant public functions by a development plan document [the land in question is not identified in any such document, including the emerging local plan].
  - within an area described as the site of a proposed new town [the land in question is not].
  - within an area declared to be a clearance area by a resolution under section 289 of the Housing Act 1985 [the land in question is not].
  - indicated on which a new highway is proposed to be built, improved or altered [the land in question is not].
  - indicated by information published under section 257 of the Housing Act which is proposed to be acquired as a 'general improvement area' [the land in question is not].
  - indicated to be compulsory purchased [the land in question is not].
  - in a location identified in a national policy statement as suitable (or potentially suitable) for a specified description of development [the land in question is not].
- 16.** Quite simply, and despite the claimant providing his own information as to why the property should be a clearance area or renewal area under the Housing Act 1985, the property is not blighted land by definition. This report only considers the Blight Notice under the TCPA and cannot consider other matters related to the property put forward by the claimant. It is a binary decision under the TCPA.

17. The claimant must also have a qualifying interest in the property or is a personal representative of such a person or is a mortgagee of a blighted property (section 150(1)(a)). It is understood the claimant owns one of the properties (flats) although it is not the claimant's residence (it is a buy-to-let). As such, the claim fails section 150(1)(a).
18. The claimant has also not demonstrated that he has used reasonable endeavours to sell their interest in the property (section 150(1)(b)) and has been unable to do so at a fair price. As such, the claim fails section 150(1)(b).
19. Section 150(1)(a) and (b) issues are however not determinative as the property is simply not located on blighted land.
20. As such, a counter notice should be served setting out the above in formal terms and by 14 November 2024 as per the recommendation.

## Appendix 1: Draft Counter Notice

To: Mr Ben Bowers<sup>1</sup>

of 39 Manor Road, Stansted Mountfichet.....<sup>2</sup>

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UTTLESFORD DISTRICT COUNCIL<sup>3</sup> HEREBY GIVE[S] YOU NOTICE under section 151(1) of the Town and Country Planning Act 1990 that it OBJECT(S) to the Blight Notice of 20 September 2024 served by you<sup>4</sup> under section 150(1) [and by virtue of section 158] of that Act in respect of the property described in the Blight Notice as 1-40 Manor Road, Stansted Mountfichet, CM248NN.

The ground on which objection is taken is, under section 151(4)(a)<sup>7</sup> of the said Act, is that the land is not blighted land. The interest of the claimant in the properties referenced above is not a qualifying interest under section 151(4)(f), and the conditions specified under section 151(4)(g) have not been met.<sup>11</sup>

Dated .....

Dean Hermitage

On behalf of <sup>3</sup> Uttlesford District Council

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**NOTE TO CLAIMANT:** If you do not accept this objection, you may require the objection to be referred to the Lands Tribunal, under the provisions of section 153 of the Town and Country Planning Act 1990. In that case you should notify the Registrar. The Lands Tribunal, 48/49 Chancery Lane, London WC2A 1JR within 2 months of the date of service of this notice.

