

IMPORTANT - THIS COMMUNICATION  
AFFECTS YOUR PROPERTY

# ENFORCEMENT NOTICE

## OPERATIONAL DEVELOPMENT



The Town and Country Planning Act 1990 (as amended)

**ISSUED BY THE CITY AND COUNTY OF SWANSEA ("The Council")**

**COUNCIL REFERENCE ENF2019/0283**

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control under Section 171A(1)(a) of the Town and Country Planning Act 1990 at the land described below. They consider that it is expedient to issue this Notice having regard to the provisions of the development plan and all other material planning considerations. The **annex** at the end of the Notice contains important additional information.

### 2. THE LAND TO WHICH THIS NOTICE RELATES

Land at The Lookout 1 Bay View Rhossili Swansea SA3 1PN in the City and County of Swansea ("the Land"), shown edged red on the plan appended hereto ("the Plan").

### 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the construction of a raised timber decked area with associated access steps and close-boarded timber fencing and gate attached to rear of decked area, at the front of the property.

### 4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

The raised timber decking, by virtue of its height in relation to boundary walls and its inappropriate siting in close proximity to the common boundary shared with New Park Cottage, represents an unneighbourly form of development that results in a loss of privacy to, and therefore fails to respect the residential amenities previously enjoyed by, the occupants of New Park Cottage, contrary to Policy PS2 of the Swansea Local Development Plan (2019).

The close-boarded timber fencing and gate affixed at the rear of the area of raised decking, by virtue of the materials utilised and their height in relation to both the neighbouring property and the building used as 'The Lookout', are considered to represent an unacceptable form of development that results in an unacceptable visual impact upon both the character and appearance of the host property and the wider Rhossili Conservation Area and Gower AONB designations, contrary to Policies PS2, ER4, HC1 and HC2 of the Swansea Local Development Plan (2019).

## **5. WHAT YOU ARE REQUIRED TO DO**

- (i) dismantle the raised timber decking, steps and attached close-boarded fencing/gate from the front of the property.
- (ii) remove from site and dispose of all materials arising from step (i) above.

## **6. TIME FOR COMPLIANCE**

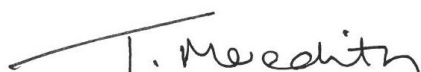
2 months, beginning with the day on which this notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on the 7<sup>th</sup> August 2023, unless an appeal is made against it before that date.

Dated: 7<sup>th</sup> July 2023

Signed:



Designation: **Chief Legal Officer**  
**The Council's Authorised Officer**

Address to which all communication should be sent:

**Phil Holmes**  
**Head of Planning and City Regeneration**  
**City and County of Swansea**  
**Civic Centre**  
**Oystermouth Road**  
**Swansea**  
**SA1 3SN**

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# ANNEX

## YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Planning and Environment Decisions Wales appointed by the Welsh Government before the date specified in paragraph 7 of the Notice. The below information provides advice on how to appeal. Please read the information carefully along with the relevant appeal form.

## HOW TO APPEAL

The Planning and Environment Decisions Wales has produced a booklet on "Making your Enforcement Appeal". You can access a PDF version of the booklet from the Planning and Environment Decisions Wales website to print

<http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/enforcement-appeals/?lang=en>.

Appeal forms can be obtained from the Planning and Environment Decisions Wales.

Address : Planning and Environment Decisions Wales  
2<sup>nd</sup> Floor West  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Telephone : Telephone: 0300 060 4400

E-mail : [PEDW.Casework@gov.wales](mailto:PEDW.Casework@gov.wales)

or downloaded from the following website:

[Planning appeal forms | GOV.WALES](#)

If you decide to appeal you should send a copy of the appeal form together with a copy of the Enforcement Notice to both the Planning and Environment Decisions Wales and the Council.

## ENFORCEMENT NOTICE APPEAL FEES

Should you choose to appeal this Notice on the grounds that planning permission should be granted for what is alleged in the Notice (Ground a) you are required to pay a fee to the Local Planning Authority. The fee payable in this instance is **£920.00** Payments can be made to the City & County of Swansea Council, Planning Control, Civic Centre, Oystermouth Road, Swansea SA1 3SN quoting the reference number as specified on the Enforcement Notice.

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the Notice. Failure to comply with the Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

## **PLEASE NOTE**

If you need any independent advice about this Notice you are advised to contact a lawyer, planning consultant or other professional advisor specialising in planning matters.

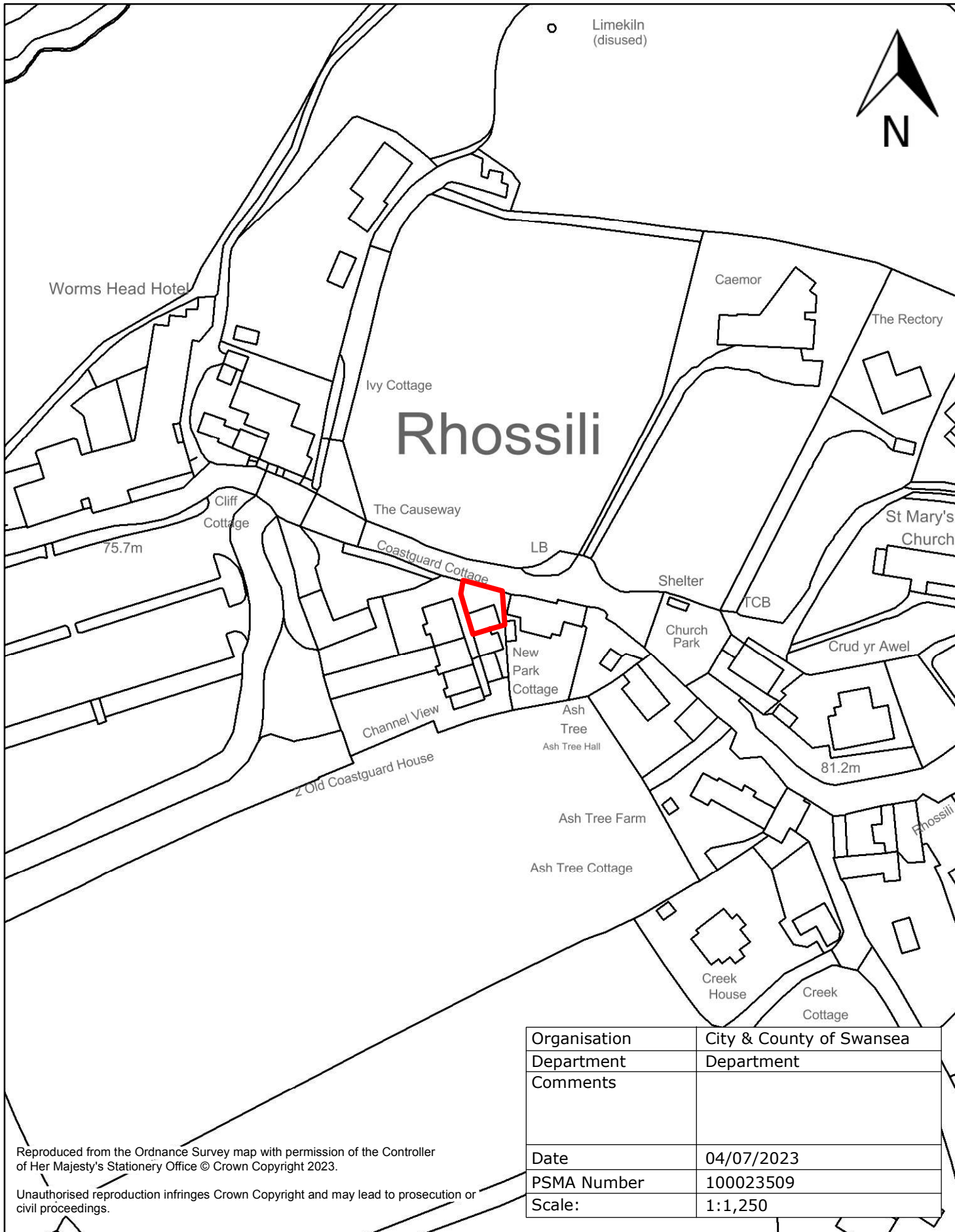
## **PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED**

In accordance with Section 172(2) of the Town and Country Planning Act 1990 (as amended) this Notice has been served on:

1. **Mr Christopher David Smale, 12C Pencaecrwn Road, Gorseinon, Swansea, SA4 4FU**
  2. **Ms Susan Eira Smale, 12C Pencaecrwn Road, Gorseinon, Swansea, SA4 4FU**
  3. **Mr Simon Morris, The Lookout, 1 Bay View, Rhossili, Swansea, SA3 1PN**
  4. **The Rhossili Lookout Ltd, The Lookout, 1 Bay View, Rhossili, Swansea, SA3 1PN**
  5. **Mr Steve Lancey, The Lookout, 1 Bay View, Rhossili, Swansea, SA3 1PN**
  6. **The Occupier, The Lookout, 1 Bay View, Rhossili, Swansea, SA3 1PN**
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# The Plan

The Land



Organisation	City & County of Swansea
Department	Department
Comments	
Date	04/07/2023
PSMA Number	100023509
Scale:	1:1,250

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