

**IMPORTANT - THIS COMMUNICATION
AFFECTS YOUR PROPERTY**

ENFORCEMENT NOTICE

MATERIAL CHANGE OF USE



The Town and Country Planning Act 1990 (as amended)

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

COUNCIL REFERENCE ENF2017/0449

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 90 Rhyddings Terrace Brynmill Swansea SA2 0DS 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, change of use of a residential dwellinghouse into two separate self-contained flats.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The change of use of the property from a single-family residential dwelling to two flats has occurred within the last 4 years and, despite repeated refused applications relating to the property, including an appeal decision on 4th July 2018 (APP/B6855/A/18/3197956), its unlawful use continues.

Previous applications for the use as two flats have been refused for reasons of over intensive development resulting in harm to the amenities of future occupiers and adverse impact on highway safety in the area due to increased parking need and the saturation of on-street parking in the vicinity. These adverse impacts have not been overcome by any proposals put forward by the owner/agent, and the change of use should, therefore, cease.

The use of the property for two residential units results in an over intensive form of development that will adversely affect the amenities and well-being of future occupiers and fails to provide adequate car parking facilities and is contrary to the requirements of Policies PS2 and T6 of the Swansea Local Development Plan (2010-2025), the Car Parking Standards Supplementary Planning Guidance document (Adopted 2012) and Places to Live Residential Design Guide Supplementary Planning Guidance (2014).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease use of the property as two separate self-contained flats.
- (ii) Remove either the ground floor kitchen or first floor front room kitchen (units and appliances) and revert use of this room back to either living space or bedroom (see floor plan options attached).
- (iii) Remove internal locking 'front door' access to each of the two flats, located adjacent to the stairs up to the first floor, and replace with standard internal doors (see floor plan attached).
- (iv) Revert property back to use as a single residential dwellinghouse.

6. TIME FOR COMPLIANCE

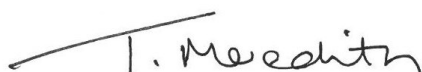
8 months beginning with the day on which this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **17th April 2021**, unless an appeal is made against it before that date.

Dated: **17th March 2021**

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

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 Inspectorate appointed by the National Assembly for Wales 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 Inspectorate has produced a booklet on "Making your Enforcement Appeal". You can access a PDF version of the booklet from the Planning Inspectorate website to print <http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/enforcement-appeals/?lang=en>.

Appeals can be made online from the Appeals Casework Portal at <https://acp.planninginspectorate.gov.uk/> and copies of the relevant appeal form can be obtained from the Planning Inspectorate.

Address : The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
Telephone : 0303 444 5962
E-mail : wales@pins.gsi.gov.uk

or downloaded from the following website: <http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/enforcement-appeals/?lang=en>

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 Inspectorate 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 Andrew Morgan, Manor Oaks, 48 Mumbles Road, Blackpill, SWANSEA, SA3 5AU (owner)**
 2. **Mr Joshua Harrigan, 90 Rhyddings Terrace, Brynmill, SWANSEA, SA2 0DS (tenant)**
 3. **Mr M Moore, 90 Rhyddings Terrace, Brynmill, SWANSEA, SA2 0DS (tenant)**
 4. **Owner/Occupier, Ground floor flat, 90 Rhyddings Terrace, Brynmill, SWANSEA, SA2 0DS**
 5. **Owner/Occupier, First floor flat, 90 Rhyddings Terrace, Brynmill, SWANSEA, SA2 0DS**
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"THE LAND"

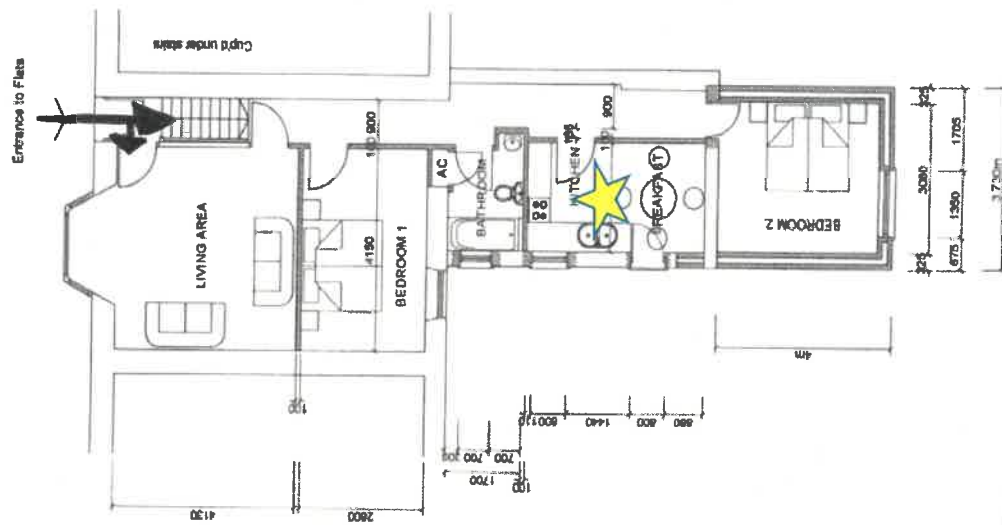
"THE PLAN"



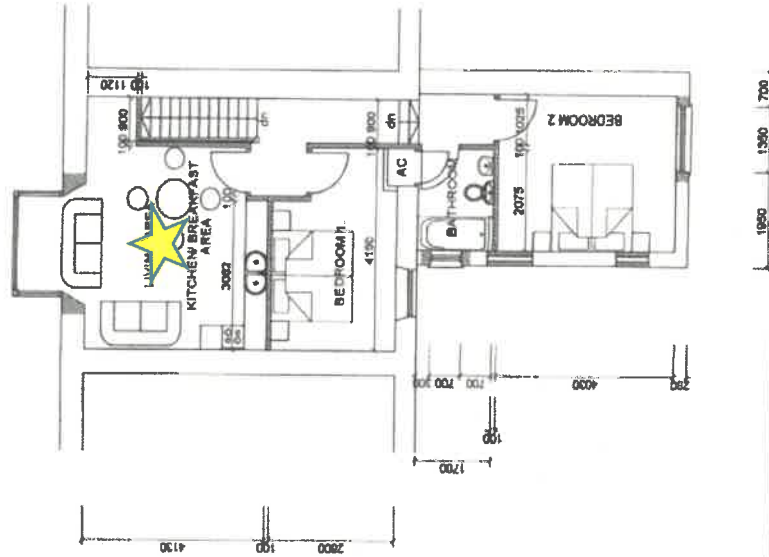
Organisation	City and County of Swansea
Department	Department
Comments	
Date	12/03/2021
PSMA Number	100023509
Scale:	1:1,250

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GROUND FLOOR PLAN AS PROPOSED
TWO BEDROOM FLAT



FIRST FLOOR PLAN AS PROPOSED
TWO BEDROOM FLAT



★ Remove kitchen units and appliances from one of these rooms and revert to either living accommodation or bedroom

➔ Remove lockable interior door entrances to both flats and replace with standard internal doors

CONVERSION OF 4 BEDROOM TERRACE HOUSE INTO TWO SELF CONTAINED 2 BEDROOM FLATS
90 RHYDDINGS TERRACE UPLANDS SWANSEA
PROPOSED PLANS

Scale : 1:100
Dwg No 004