

**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 ENF2017/0133**

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 3 Heol Gwanwyn Llansamlet Swansea SA7 9RB 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 erection of detached outbuilding supported on scaffolding, rabbit hutch and raised decked area.

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. A planning application was received in August 2017 (ref 2017/1785/FUL) for the retention of the works and was refused in November 2017 for 2 reasons.

Since the previous refusal, the Local Development Plan has been adopted (February 2018) but the developments are still considered unacceptable for the following reasons:-

1. The detached outbuilding, hutch and raised decked area, by virtue of their scale, design and siting are considered to be unsympathetic and significant alteration that are highly prominent from Eileen Road and appear unsympathetic and incongruous and of significant height when viewed from Eileen Road. The development is therefore considered to be contrary to Policy PS2 of the City and County of Swansea Local Development Plan 2010-25 and the design principles of the Supplementary Planning Guidance Document entitled 'A Design Guide for Householder Development' (2008).

2. The works undertaken have necessitated significant adverse works to a Pine tree subject a Tree Preservation Order (TPO:501 G3) to such a degree that all remains is a small stump that would not regenerate and does not provide any amenity value. The works have therefore resulted in the loss of a Pine tree that provided significant amenity value to the surrounding area and has had a detrimental impact on the visual amenity and character of the area, contrary to Policy ER11 of the Swansea Local Development Plan 2010-25, and the advice contained in Planning Policy Wales and Technical Advice Note (TAN) 10: Tree Preservation Orders (1997)

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

1. Remove the detached outbuilding, associated supporting structures, rabbit hutch, and raised decked area and remove the resultant materials from the site.
2. Replant a Pine Tree (*Pinus Sylvestris*, root balled and at least 2 metres in height) in the area currently covered by the detached outbuilding once the above works specified in 5.1 have been completed.

## **6. TIME FOR COMPLIANCE**

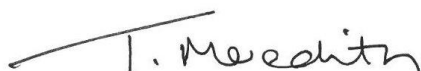
3 months beginning with the day on which this notice takes effect.

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

This Notice takes effect on **17/01/2020**, unless an appeal is made against it before that date.

Dated: **17/12/2020**

Signed:



Designation: **Head of Legal, Democratic Services and Business Intelligence**  
**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 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 : Telephone: 0303 444 5962  
E-mail : [wales@pins.gsi.gov.uk](mailto: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 **£460.00**. 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.

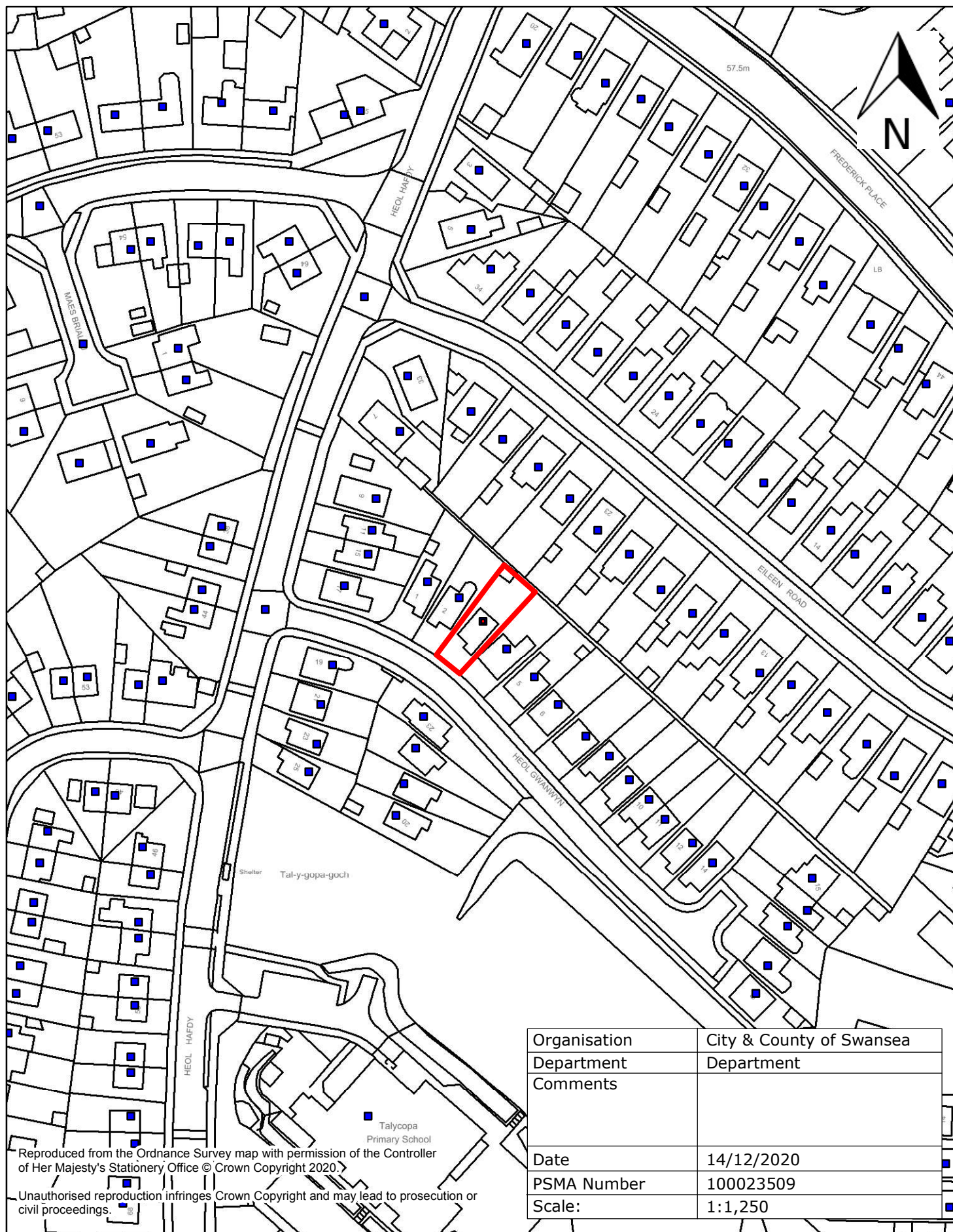
## **PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED**

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

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1. Nicol Edward Jones, 3 Heol Gwanwyn, Llansamlet, Swansea, SA7 9RB
  2. Kensington Mortgage Company Limited, Ascot House, Maidenhead Office Park, Maidenhead, SL6 3QQ
  3. [Jonesnicky82@gmail.com](mailto:Jonesnicky82@gmail.com)
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# "THE LAND"

"THE PLAN"



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Organisation	City & County of Swansea
Department	Department
Comments	
Date	14/12/2020
PSMA Number	100023509
Scale:	1:1,250