

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 ENF2019/0306

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 81 Carmel Road Winch Wen Swansea SA1 7JZ 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 extension in height of a front boundary wall by the addition of a fence and gates.

#### 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.

1. The fence subject of the complaint has been erected on top of existing low lying block wall which forms a juncture with the pavement and street. The fencing results in a stark addition to the street scene which is comprised of relatively low boundary treatments and forms a jarring impact in the street scene. It is not considered that a planning application would be acceptable given this adverse visual impact upon the character and appearance of the street scene and surrounding area. It is considered that the development is contrary to the requirements of policy PS2 of the Swansea Local Development Plan (2019) in relation to good design.

2. The fence and gates are substantially taller than the existing wall and blocks any view from the hardstanding across the pavement, posing a risk to pedestrians and oncoming vehicles that would likely be focussing on the roundabout and not the hardstanding, as views of it are obscured. As a result, this would create a risk to pedestrians and vehicles alike, to the detriment of highway safety, contrary to policy T 1 of the Swansea Local Development Plan (2019)

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

Remove the fence and gates along the front boundary.

**6. TIME FOR COMPLIANCE**

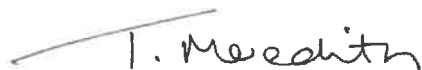
Two months beginning with the day on which this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **20.12.2019**, unless an appeal is made against it before that date.

Dated: **20.11.2019**

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 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 **£380.00**. 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**

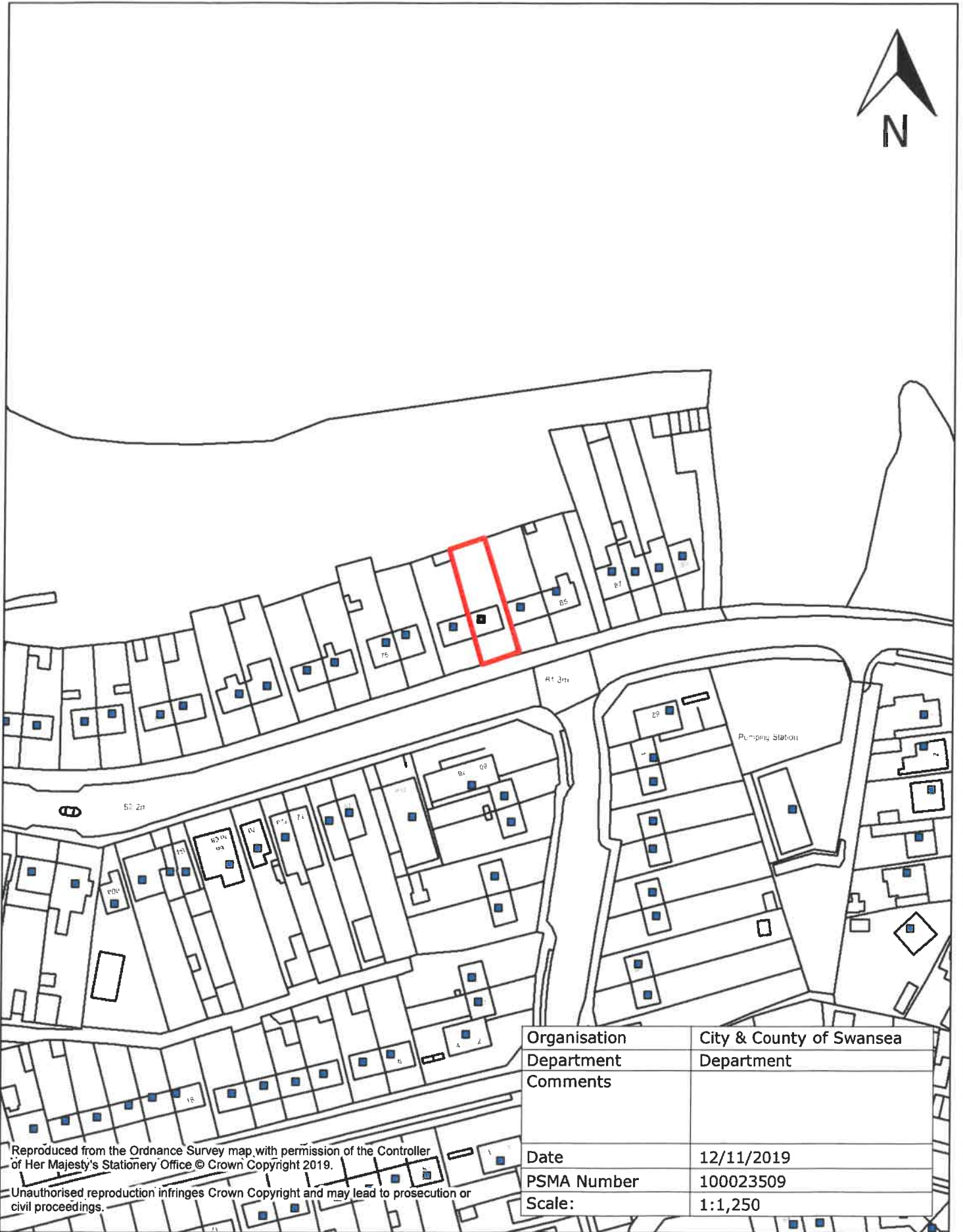
In accordance with Section 172(2) of the Town and Country Planning Act 1990 (as amended) this Notice has been served on:

**Kymm Gale, 81 Carmel Road, Winch Wen, Swansea SA1 7JZ.**

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# "THE LAND"

"THE PLAN"



Organisation	City & County of Swansea
Department	Department
Comments	
Date	12/11/2019
PSMA Number	100023509
Scale:	1:1,250

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