

**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 ENF2019/0404

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 City Bar Miers Street St Thomas Swansea SA1 8BZ in the City and County of Swansea (“the Land”), shown edged red on the plan appended hereto (“the Plan”).

3. THE MATTERS THAT APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission the erection of a dome structure upon an existing flat roof to the rear 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.

Planning permission was sought for the retention of the dome, along with other works at the premises in 2017, but this application was considered against the prevailing Development Plan policies at the time and was refused by notice dated 2nd May 2017 (Ref:2017/0465/FUL). The application was refused for reasons of adverse visual impact, adverse residential amenity impact; lack of sufficient information to demonstrate non-intensification of the use of the building, and parking concerns. The dome remains on site despite the refusal of planning permission.

The retention of the dome results in harm to the visual amenities of the streetscene and character and appearance of the surrounding area by virtue of its incongruous design, massing and form, which is at odds with the character and appearance of the public house and the surrounding street scene. As a result, the dome is not appropriate to the local context and harms the visual amenities of the street scene, contrary to the requirements of Policy PS 2 of the Swansea Local Development Plan (Adopted February 2019).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Dismantle and remove the dome structure from the ground floor flat roof at the rear of the premises and make good the flat roof.

6. TIME FOR COMPLIANCE

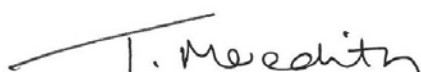
- (i) 2 months beginning with the day on which this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **5th January 2020**, unless an appeal is made against it before that date.

Dated: **5th December 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

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

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 **£760.00**. 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.

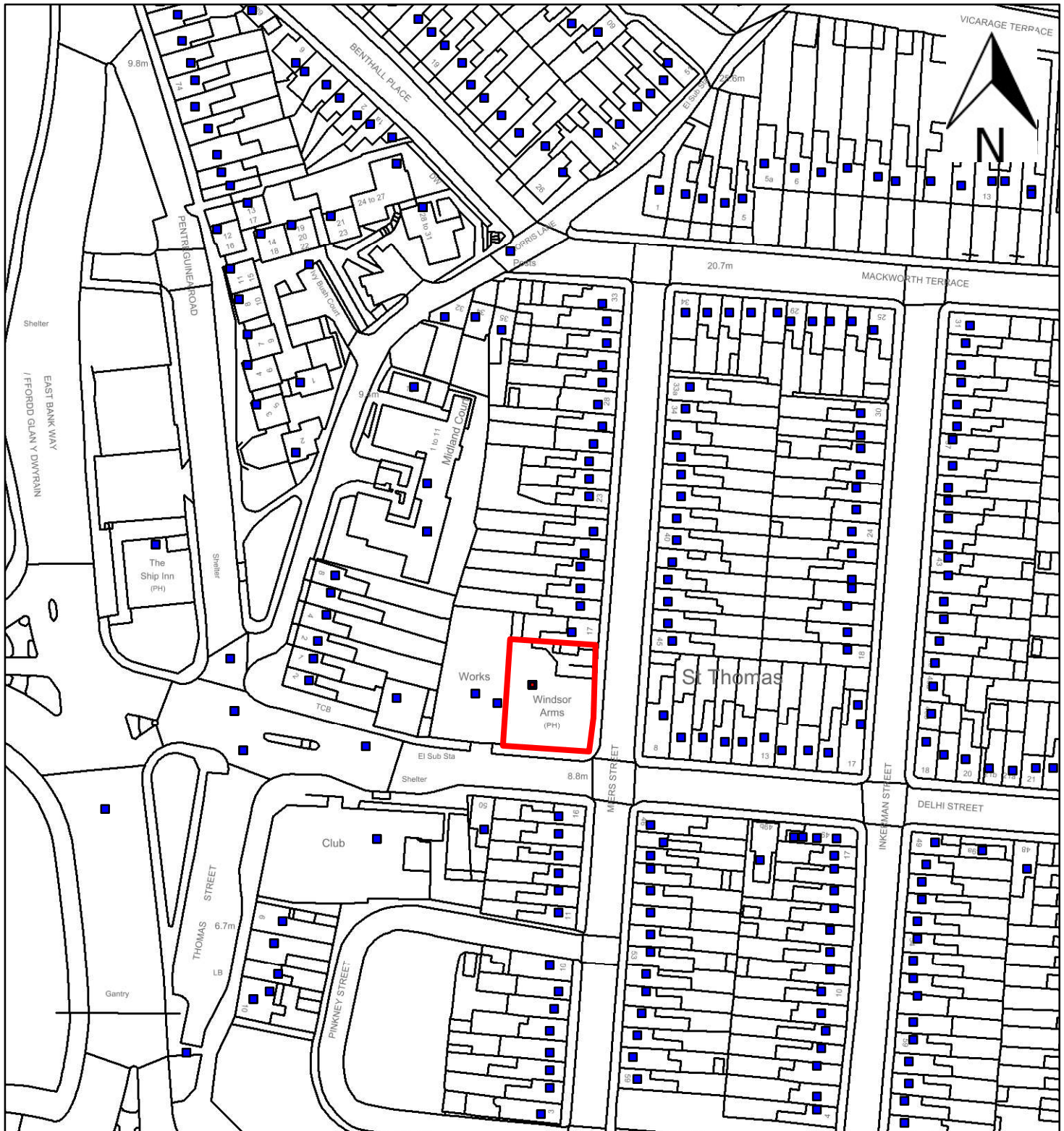
PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED

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

1. **Mr Martin Joyce, City Bar, 6-7 Miers Street, Port Tennant, Swansea, SA1 8BZ**
 2. **Mr Martin Joyce, Parkview Care Home, 84 Gnoll Park Road, NEATH, SA11 3DD**
-

"THE LAND"

"THE PLAN"



Organisation	City & County of Swansea
Department	Department
Comments	
Date	03/12/2019
PSMA Number	100023509
Scale:	1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2019.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.