

**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 ENF2017/0344

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 Pwllfroga Farm Marsh Road Llanmorlais Swansea SA4 3TP 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 material change of use of the land from agricultural use to residential garden use.

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 use of the land as part of a residential garden constitutes an unjustified incursion into the open countryside that had a suburbanising effect of the character of the area and is detrimental to the special characteristics of Gower Area of Outstanding Natural Beauty, contrary Policies CV2 and ER4 of the Swansea Local Development Plan 2019.

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

- (i) Cease the use of the land as a residential garden.
- (ii) Remove from the land all domestic paraphernalia associated with the unauthorised residential garden use.
- (iii) Plant a hedge between points A-B as identified on Appendix A, in accordance with the planting schedule as specified in Appendix B.

6. TIME FOR COMPLIANCE

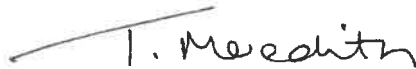
- (1) The period for compliance with requirements (i) and (ii) of the Notice shall be 4 weeks after the Notice takes effect.
- (2) The period for compliance with requirement (iii) of the Notice shall be in the first planting season (November - February) after the Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **06.12.2019**, unless an appeal is made against it before that date.

Dated: **08.11.2019**

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

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 **£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 R Beynon Pwll Y Froga Farm, Marsh Road, Llanmorlais**
 - 2. Mrs T Beynon Pwll Y Froga Farm, Marsh Road, Llanmorlais**
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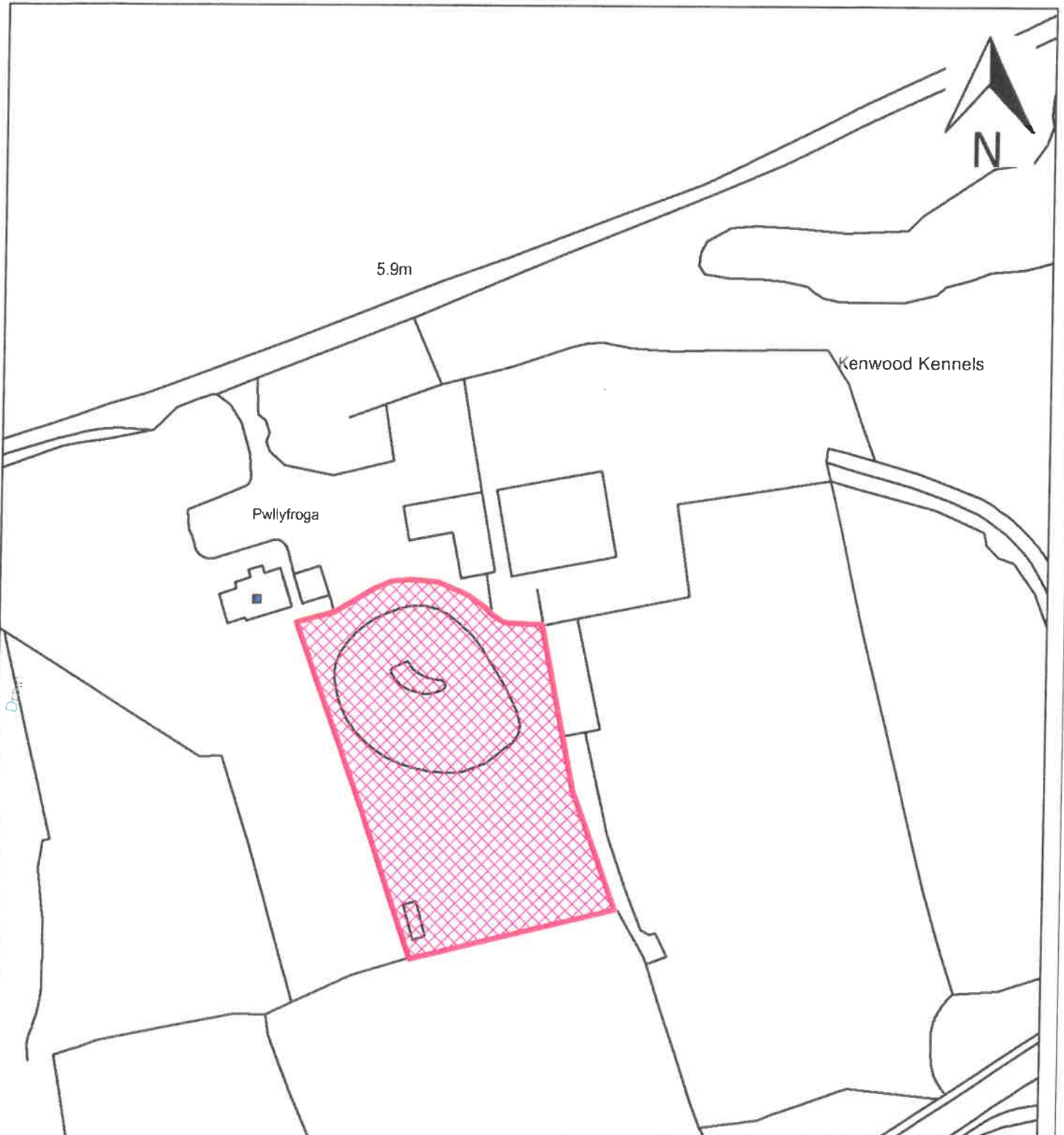
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"THE LAND"

"THE PLAN"



Organisation	City & County of Swansea
Department	Department
Comments	
Date	06/11/2019
PSMA Number	100023509
Scale:	1:1,250

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Appendix A

Hedge to be planted between points A - B in accordance with the planting schedule specified in Appendix B



Appendix B

Prunus spinosa – blackthorn 15%

Acer campestre – Field maple 15%

Crataegus monogyna – hawthorn 40%

Corylus avellana – hazel 20%

Ilex aquifolium – holly 5%

Sambucus nigra – elder 5%

Hedge to be planted in the first November – February period following the date of service of the Enforcement Notice.

Hedge to be planted as a double staggered row 300mm apart 5 plants per linear metre.

Plants to be bare root stock, 1u1, 60/80cm size apart from holly to be supplied as 3 litre black pot specimens.

Plants to be protected by suitable means.