

**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 ENF2019/0238**

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 Spring Mills Berthlwyd Penclawdd Road Gowerton Swansea SA4 3RB 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 unauthorised change of use from an established Oil Storage Depot (Sui Generis) to provide a mixed use site for storage (Use Class B8) and office accommodation (Use Class B1).

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 is being carried out in an uncontrolled manner (without a conditional planning permission being granted) which in the absence of conditions, has the propensity to impact on the residential amenity of local residents, impact on highway safety, drainage, have an adverse visual impact on the locality and the character of the open countryside on the fringe of the Burry Inlet SSSI, contrary to Policies CV2, CV5 and ER6 of the Swansea Local Development Plan 2019.

The site lies adjacent to the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI), Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Bury Inlet Special Protection Area (SPA), and a designated RAMSAR Site.

If an application for planning permission had been submitted, the Local Planning Authority would likely have granted conditional planning permission for the use. In the absence of a planning application for this unauthorised use, the Local Planning Authority is unable to control the development through planning conditions giving rise

to the establishment of an unregulated use in the open countryside, contrary to Policies CV2, CV5 and ER6 of the Swansea Local Development Plan 2019.

Consequently, the Local Planning Authority has no alternative other than to serve this enforcement notice to regulate the development.

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

- i) Cease the mixed use of the site for storage and office accommodation.
- ii) Remove all material associated with the storage use and all demountable buildings and storage containers, identified as SC1 – 3 on Appendix A, from the Land.

**6. TIME FOR COMPLIANCE**

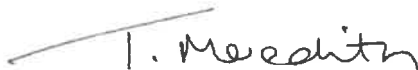
6 Months beginning with the day on which this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **08.12.2019**, unless an appeal is made against it before that date.

Dated: **08.11.2019**

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**

# 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](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 **£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.

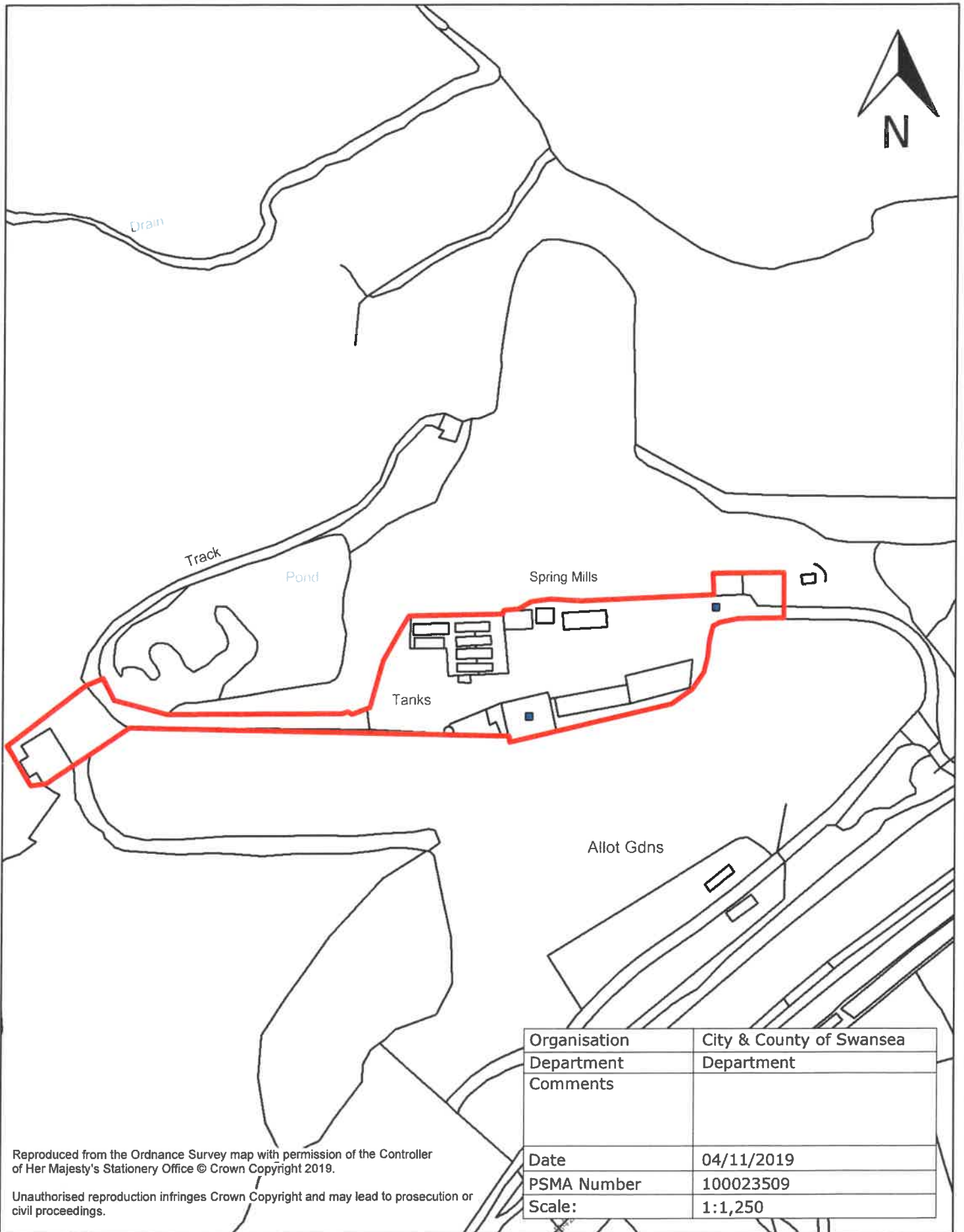
## **PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED**

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

- 1. Mr Joseph Edward Furlong, Spring Mills, Berthlwyd, Penclawdd, SA4 3RB**
  - 2. Mrs Bethan Anwen Furlong, Spring Mills, Berthlwyd, Penclawdd, SA4 3RB**
  - 3. Occupier, Office Building, Spring Mills, Berthlwyd, Penclawdd, SA4 3RB**
  - 4. Occupier, Storage Units, Spring Mills, Berthlwyd, Penclawdd, SA4 3RB**
  - 5. Occupier, Outbuildings, Spring Mills, Berthlwyd, Penclawdd, SA4 3RB**
  - 6. Gareth Parry, 38 Home Farm Way, Penllergaer, Swansea, SA4 9HS**
  - 7. Dan Dyson, Bluehills, Reynoldston, Gower, SA3 1AD**
  - 8. Michael Krampft, C/O Springmills, Berthlwyd, Penclawdd, SA4 3RB**
  - 9. Robert Williams, Godre'r Garth, Highland Terrace, Dunvant, Swansea, SA2 7QD**
  - 10. Tasha Aitken, Springmills, Berthlwyd, Penclawdd, Swansea, SA4 3RB**
  - 11. Emlyn Hinton, Springmills, Berthlwyd, Penclawdd, Swansea, SA4 3RB**
  - 12. Site Notice, Spring Mills, Berthlwyd, Penclawdd, SA4 3RB**
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# "THE LAND"

"THE PLAN"



Organisation	City & County of Swansea
Department	Department
Comments	
Date	04/11/2019
PSMA Number	100023509
Scale:	1:1,250

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# Appendix A

Spring Mills Berthlwyd 2018

## Legend

- Office Accommodation
- Outbuildings
- Storage Containers

