

**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 ENF2017/0319**

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 the rear of 160 to 174 Peniel Green Road, Swansea SA7 9BE 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 change of use of the Land to residential, the erection of a treehouse and decking and the siting of miscellaneous domestic items on the Land, including a Jacuzzi pool, trampoline, bench, chairs, child slide, lamp post and miscellaneous tipped items including mattress and wood .

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.

(i) The use of the land for residential purposes would be considered acceptable if an application for planning permission had been submitted to give the Local Planning Authority the opportunity to impose conditions removing permitted development rights. In the absence of such conditions, and due to the relationship between the land and adjoining residential properties, buildings can be erected which would allow users of the land to overlook adjoining residential properties to the detriment of residential amenity of the occupiers of those properties. The development is therefore contrary to policy EV1 of the City and County of Swansea Unitary Development Plan 2008.

(ii) The erection of the treehouse and decking allows users to look into adjoining property to the detriment of the residential amenity of the occupiers of those properties, contrary to policy EV1 of the City and County of Swansea Unitary Development Plan 2008.

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

- (i) Cease the use of the land for residential purposes.

(ii) Remove the treehouse, decking and miscellaneous domestic items from the land.

6. TIME FOR COMPLIANCE

(i) One day beginning with the day on which this notice takes effect

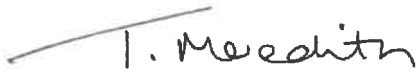
(ii) Two months beginning with the day on which this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **28.02.2019**, unless an appeal is made against it before that date.

Dated: **28.01.2019**

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

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:

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- 1. Catherine Jayne Mary Clancy, Dyfodiad Dydd, Glyncynwal Road, Upper Cwmtwrch, Swansea, SA2 9UR**
 - 2. Mr & Mrs James Robert & Mitchella Anne Smith, 172 Peniel Green Road, Peniel Green, Swansea, SA7 9BE**
 - 3. Ms Jayne Hutchins, 166 Peniel Green Road, Peniel Green, Swansea, SA7 9BE**
 - 4. Mr Huw Whyment, 10 Oakfield Street, Cardiff, CF24 3RD**
 - 5. Mr Simon John Parfitt, 168 Peniel Green Road, Peniel Green, Swansea, SA7 9BE**
 - 6. Mr Mark Richards & Ms Sherre Jones, 164 Peniel Green Road, Peniel Green, Swansea, SA7 9BE**
 - 7. S Ullah M A Shahid, A Rahim & M Rahim, 160 Peniel Green Road, Peniel Green, Swansea, SA7 9BE**
 - 8. Bank Of Scotland PLC, Of Halifax Division, 1 Lovell Park Road, Leeds LS1 1NS**
 - 9. The Mortgage Works (UK) PLC, Nationwide House, Pipers Way, Swindon, SN38 1NW**
 - 10. Kensington Mortgage Company Ltd, Of Reading International Business Park, Basingstoke Road, Reading, RG2 6DB**
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"THE LAND"

"THE PLAN"



Organisation	City & County of Swansea
Department	Department
Comments	
Date	25/01/2019
PSMA Number	100023509
Scale:	1:1,250

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