

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 ENF2019/0249

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 Done & Dusted, 4 Gwydr Crescent, Uplands, Swansea, SA2 0AA 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 premises from Class A1 retail to Class A3 food and drink, along with the provision of an enclosed outdoor seating area for customers located to the front of the building.

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 owners have failed to demonstrate that there was no retail demand for the unit to justify a change of its use from retail (Class A1) to a café/food and drink (Class A3). The continuation of the unlawful Class A3 use therefore results in the loss of a Class A1 retail use, a reduction in the amount of retail uses within the District Centre and an over amplification of Class A3 uses. Consequently, the development is considered to give rise to an unacceptable loss of the retail core of the centre and to have an unacceptable negative impact upon the vitality, viability and attractiveness of the Uplands District Centre contrary to Policies PS 2, RC 5 and RC 9 of the Swansea Local Development Plan (Adopted February 2019) and the Authority SPG 'District Centres, Local Centres and Community Facilities' (Adopted October 2010).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the premises as a Class A3 food and drink use, and revert to its lawful Class A1 retail use; and
- (ii) Remove the outdoor seating area/seating/tables/enclosures to the front of the building and any other paraphernalia associated with the unlawful Class A3 food and drink use.

6. TIME FOR COMPLIANCE

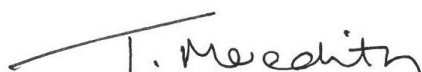
2 months beginning with the day on which this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 28th August 2023, unless an appeal is made against it before that date.

Dated: 28th July 2023

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 and Environment Decisions Wales appointed by the Welsh Government 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 and Environment Decisions Wales has produced a booklet on "Making your Enforcement Appeal". You can access a PDF version of the booklet from the Planning and Environment Decisions Wales website to print

<http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/enforcement-appeals/?lang=en>.

Appeal forms can be obtained from the Planning and Environment Decisions Wales.

Address : Planning and Environment Decisions Wales
2nd Floor West
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Telephone : Telephone: 0300 060 4400

E-mail : PEDW.Casework@gov.wales

or downloaded from the following website:

[Planning appeal forms | GOV.WALES](#)

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 and Environment Decisions Wales 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 **£920.00** 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.

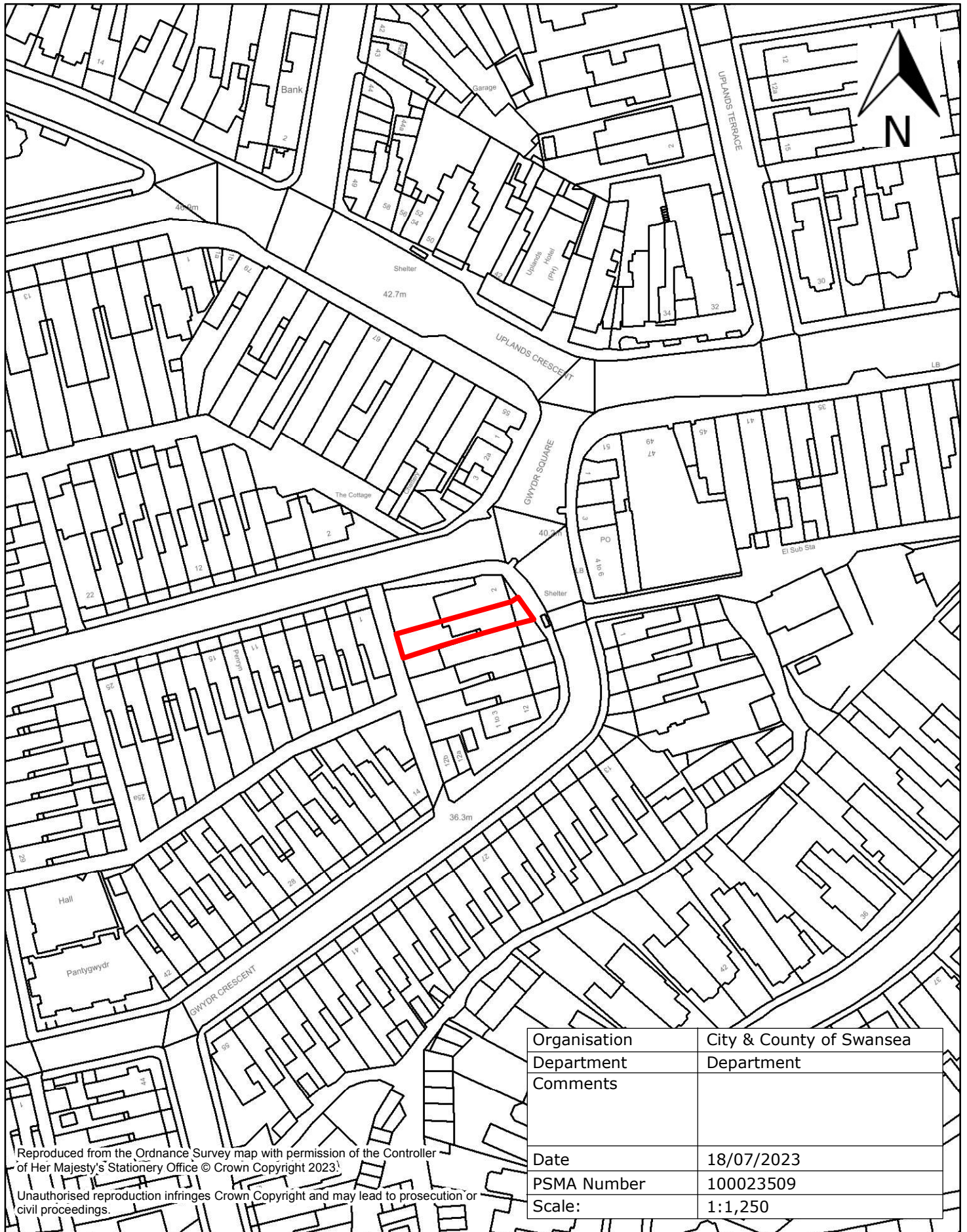
PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED

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

1. **Neil Thomas, Done & Dusted, 4 Gwydr Crescent, Uplands, Swansea, SA2 0AA (tenant)**
 2. **Neil Navarra, Done & Dusted, 4 Gwydr Crescent, Uplands, Swansea, SA2 0AA (tenant)**
 3. **Mr Lloyd Cole, 156 Terrace Road, Swansea, SA1 6HX (owner)**
 4. **Joan Richards, 4 Knoll Avenue, Uplands, Swansea, SA2 0SB (owner)**
 5. **N A Properties Limited (Co. Regn. No. 4868615) 4 Knoll Avenue, Uplands, Swansea SA2 0JN**
 6. **N A Properties Limited (Co. Regn. No. 4868615) - C/O Stephen Kent And Company, 456 Gower Road, Killay, Swansea, SA2 7AL**
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The Plan

The Land



Organisation	City & County of Swansea
Department	Department
Comments	
Date	18/07/2023
PSMA Number	100023509
Scale:	1:1,250

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