

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 ENF2024/0071

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. **Annex 1** at the end of this Notice contains important additional information.

2. THE LAND TO WHICH THIS NOTICE RELATES

Land at Bryn Y Mor, Port Eynon, Swansea, SA3 1NL in the City and County of Swansea (“the Land”), shown edged red on the plan at **Annex 2** appended hereto (“the Plan”).

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

Without planning permission, the demolition of a stone-faced retaining wall and excavation works.

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.

The unauthorised engineering operations have a negative impact on the visual amenities of the area and on the character of this part of the Port Eynon Conservation Area and this part of the Gower Area of Outstanding Natural Beauty, contrary to Policies PS2, HC1 and ER4 of the Swansea Local Development Plan (2019).

The unauthorised engineering operations have the potential to have a harmful impact upon the stability of those properties situated to the north of the site known as Hillcrest, Greenways and Ty'r Gwynt and have the potential to have serious safety implications for the owners/occupiers of those properties. The unauthorised engineering operations also have the potential to be detrimental to the structural integrity of the Bryn Y Mor dwelling and have safety implications for its owner. The unauthorised engineering operations are therefore considered to be contrary to Policy RP7 of the Swansea Local Development Plan (2019).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease any further excavation works on the land;
- (ii) Cease the removal of any excavated materials from the land;
- (iii) Construct a new retaining wall along the position of the former/demolished retaining wall (along the western and northern boundary of the former parking area serving the property), to the same height and using the same facing materials as the former/demolished wall (ranging from 1.5m high on the south-western end where it abuts the roadside pillar to 2.1m high on the north-eastern end (to the rear of the host dwelling known as Bryn-y-Mor)).
- (iv) Reinststate the excavated embankment behind the new retaining wall to the same profile and height as the original embankment (before the unauthorised works were carried out), using inert material and topsoil - the top soil shall comprise the upper 100mm layer of the re-instated material.
- (v) Reinststate the excavated embankment behind the host dwelling (known as Bryn Y Mor), to the same profile and height as the original embankment (before the unauthorised works were carried out), using inert material. A layer of 100mm deep topsoil shall comprise the upper layer of the reinstated embankment where the new embankment's profile's does not exceed 45 degrees.
- (vi) The area of the reinstated embankment with a 100mm upper layer of topsoil (detailed in requirements (iv) and (v)) shall be seeded with a wildflower/grass seed mix (such as EL1 Flowering Lawn Mixture by Emorsgate Seeds) at a sowing rate of 4g per sqm.

6. TIME FOR COMPLIANCE

Requirements (i) and (ii) - One day from the date on which this Notice takes effect

Requirements (iii), (iv) and (v) - Five months from the date on which this Notice takes effect

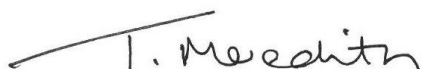
Requirement (vi) - The next planting season (1st March- 31st October) following completion of the works detailed in Requirements (iv) and (v) above.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 12th day of September 2024, unless an appeal is made against it before that date.

Dated: 15th August 2024

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 1

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by 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

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 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 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 **£460**. 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. **Please note, restrictions apply to when a ground (a) appeal can be made so you should seek appropriate professional advice before appealing.**

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:

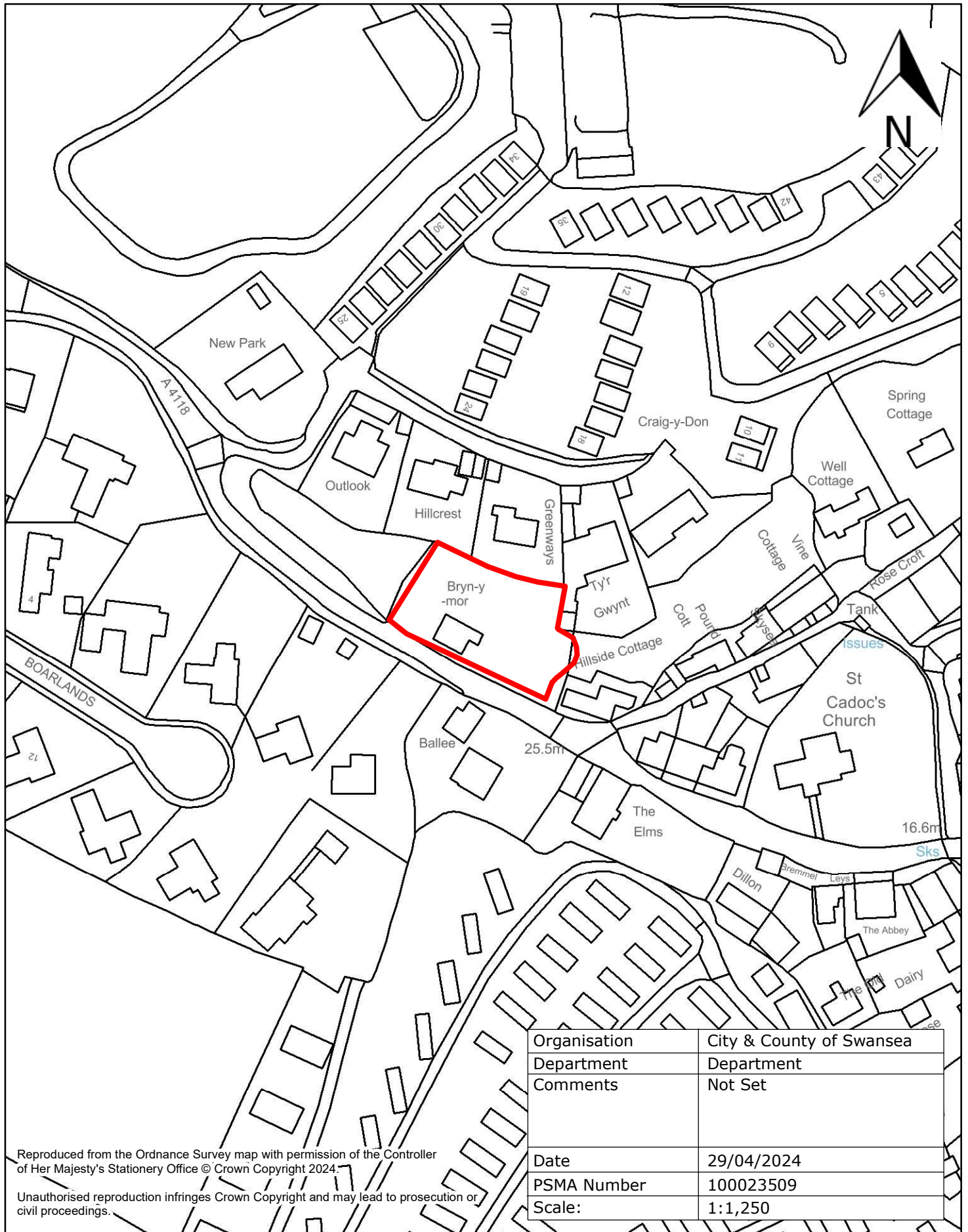
- 1. Mr David Whitehead, Bryn-y-Mor, Port Eynon, Swansea, SA3 1NL**
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ANNEX 2

The Plan

The Plan

The Land



Organisation	City & County of Swansea
Department	Department
Comments	Not Set
Date	29/04/2024
PSMA Number	100023509
Scale:	1:1,250

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