

**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 ENF2019/0493**

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 Fabian Motor Company 117 - 129 Peniel Green Road Llansamlet Swansea SA7 9BA 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 carrying out of engineering operations to provide an extension of car park/ sales area and the erection of flood lights on the boundary of the site.

4. **REASONS FOR ISSUING THIS NOTICE**

The land has been raised to form an extension to the site. The increase in height of the land in close proximity to residential properties is considered to be detrimental to the residential amenity of neighbouring properties by virtue of the overbearing impact of the development associated with the use of the land. The scale and design of the landform is also considered to be detrimental in terms of visual amenity. The boundary lighting is also considered to be detrimental to the residential amenity of nearby occupiers.

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

- (i) Cease the unauthorised use of land for vehicle parking and sales.
- (ii) Remove the gabion basket retaining wall and hard surfaced area retained by gabion baskets.
- (iii) Grade back the land to re-instate the land levels to the levels on site prior to the commencement of works and make safe.
- (iv) On completion of step (iii) above, provide native planting to soften the whole of the finished landform.
- (v) Remove all of the lighting columns attached to the perimeter fencing on the southern and eastern boundaries.

(vi) Remove all waste materials associated with compliance of (i) – (v).

**6 TIME FOR COMPLIANCE**

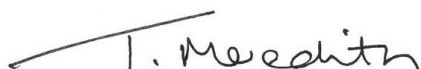
- (i) Cease the use within one day when the Notice takes effect.
- (ii) 4 months for the removal of the works, land reinstatement and planting.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on the 6<sup>th</sup> October 2022 unless an appeal is made against it before that date.

Dated: 6<sup>th</sup> September 2022

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**

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# 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  
2<sup>nd</sup> Floor West  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Telephone : Telephone: 0300 060 4400

E-mail : [PEDW.Casework@gov.wales](mailto:PEDW.Casework@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**. 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**

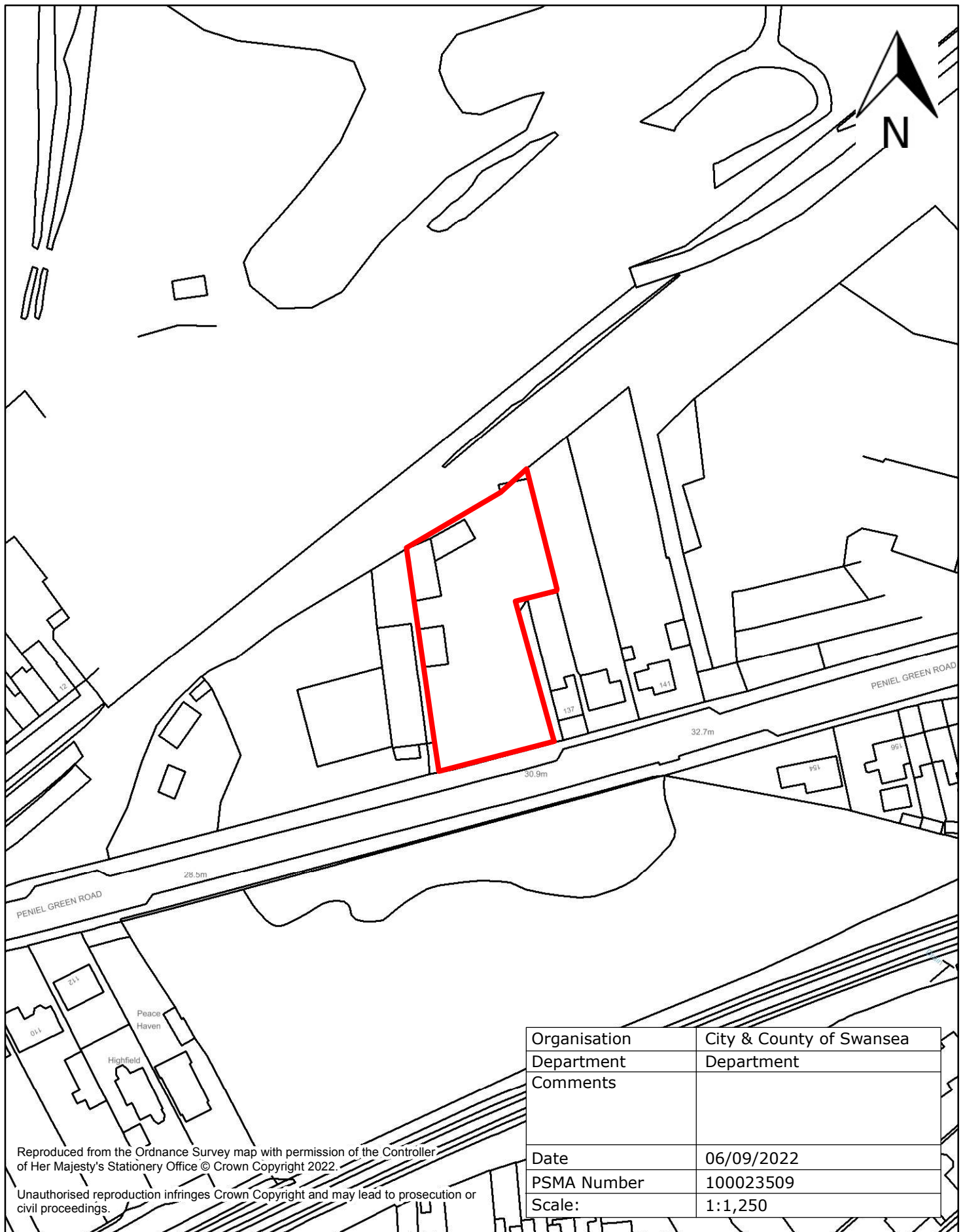
In accordance with Section 172(2) of the Town and Country Planning Act 1990 (as amended) this Notice has been served on:

**JAMIE LEE REES of 49 Rhydycoed, Birchgrove, Swansea SA7 9PE.**

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# The Plan

The Land



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|--------------|--------------------------|
| Organisation | City & County of Swansea |
| Department   | Department               |
| Comments     |                          |
| Date         | 06/09/2022               |
| PSMA Number  | 100023509                |
| Scale:       | 1:1,250                  |