

**IMPORTANT - THIS COMMUNICATION  
AFFECTS YOUR PROPERTY**



## **BREACH OF CONDITION NOTICE**

**The Town and Country Planning Act 1990 (as amended) – Section 187a**

**ISSUED BY THE CITY AND COUNTY OF SWANSEA (“The Council”)**

**COUNCIL REFERENCE ENF2022/0320**

**To: Mr Ceri Farrell**

**Address: 144 Merlin Crescent Townhill Swansea SA1 6PW**

**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 144 Merlin Crescent Townhill Swansea SA1 6PW 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**

Condition 2 of planning permission 2021/2069/FUL states:

The balustrade/juliet balcony shall be implemented in accordance with the approved plans prior to the first beneficial use of the replacement fenestration and retained as such thereafter. The replacement fenestration/juliet balcony shall not be used to provide any access to the existing flat roof, nor shall the existing flat roof be used as additional amenity or storage space.

Reason: In the interests of residential amenity, to protect the neighbouring properties from an unacceptable increase in overlooking.

Beneficial use has commenced and the Juliet balcony has not been installed in accordance with the approved plans, which is a breach of the condition.

### **4. REASONS FOR ISSUING THIS NOTICE**

In the interests of residential amenity, to protect the neighbouring properties from an unacceptable increase in overlooking.

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

As the person responsible for the breach of the condition specified in paragraph 4 of this Notice you are required to secure compliance with the stated condition by taking the following steps.

Install the Juliet balcony in accordance with the approved plans on application 2021/2069/FUL.

**6. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that a breach of the above mentioned condition has occurred within the last ten years.

**7. TIME FOR COMPLIANCE**

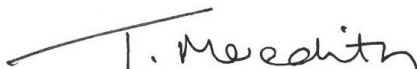
2 months beginning with the day on which this Notice takes effect.

**8. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 20<sup>th</sup> October 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**

## **WARNING**

**THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST**

**THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE**

It is an offence to contravene the requirements stated in paragraph 5 of this Notice after the end of the compliance period. You will be at risk of **IMMEDIATE PROSECUTION** in the Magistrates' Court, for which the maximum penalty is a fine amounting to £1,000 for a first offence and for any subsequent offence. If you are in any doubt as to what this Notice requires you to do you should immediately contact

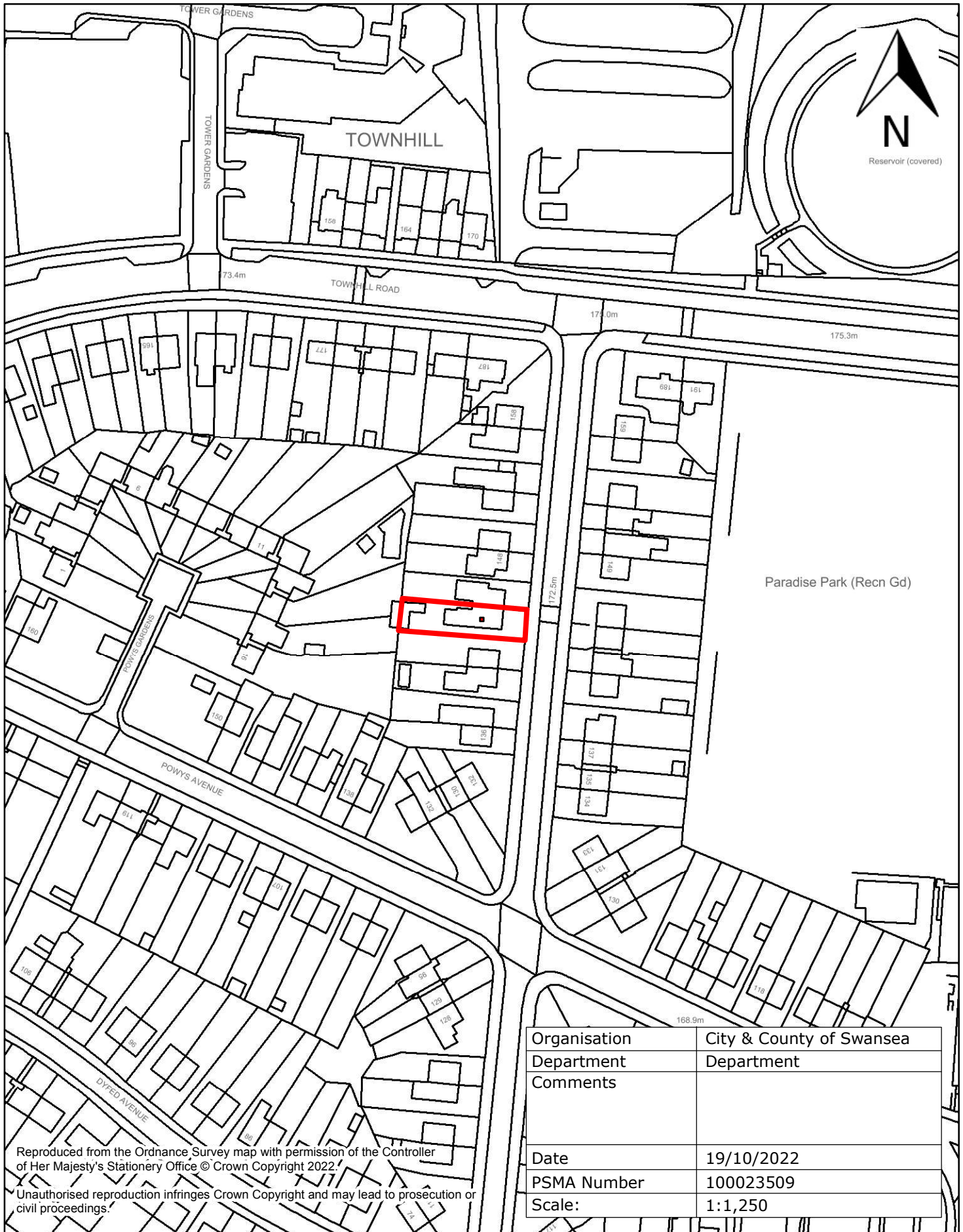
The Planning Control Section of the City and County of Swansea at the Civic Centre, Oystermouth Road, Swansea, SA1 3SN. Telephone – 01792 635692

If you need any independent advice about this Notice you are advised to contact a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of this Notice you may only do so by an application to the High Court for Judicial Review. A lawyer will advise you what this procedure involves.

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# The Plan

The Land



Organisation	City & County of Swansea
Department	Department
Comments	
Date	19/10/2022
PSMA Number	100023509
Scale:	1:1,250

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