

**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 ENF16/0024

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 26 Heol Miaren Morriston Swansea SA6 6EL 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 unauthorised material change of use of land from residential use to a mixed use of residential use and land used for the keeping of dogs

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 ability to keep animals at residential dwellings is afforded by Section 55(2)(d) of the Town and Country Planning Act 1990. Section 55(2)(d) states that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such is not deemed to involve the development of land.

The fundamental part of this is the statement "for any Purpose incidental to the enjoyment of the dwellinghouse" and this is defined at Class E.3, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales). E.3 states that "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse"

The Authority is of the opinion that 9 dogs is above and beyond the normal level which could be deemed "incidental". Thus; due to the number of dogs being kept it

is considered that the residential property is now also being used for the keeping of dogs and as such a mixed use is taking place.

No planning permission has been granted for the material change of use and the Authority considers that the unauthorised use is contrary to policy EV1 of the City and County of Swansea Unitary Development Plan 2008 by virtue of it resulting in a detrimental impact upon the local amenity in terms of disturbance.

The unauthorised material change of use of land from residential to land used for residential purposes and the keeping of dogs is considered unacceptable by virtue of it failing to have full regard for adjacent developments and the creation of environmental pollution to the detriment of neighbouring occupiers in terms of smell/air pollution and noise. It is therefore considered contrary to Policy EV2 of the City and County of Swansea Unitary Development Plan 2008

The unauthorised material change of use of land from residential to land used for residential purposes and the keeping of dogs is considered unacceptable with regard to Policy EV40 of the City and County of Swansea Unitary Development Plan 2008 by virtue of it causing harm to the local amenity in respect of air and noise pollution

5. WHAT YOU ARE REQUIRED TO DO

Reduce the number of dogs kept at the property to no more than 3 in number plus their puppies of no more than six months in age

6. TIME FOR COMPLIANCE

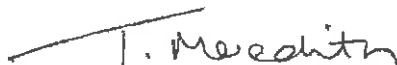
Eighteen months beginning with the day on which this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 4th March 2017, unless an appeal is made against it before that date.

Dated: 2nd February 2017

Signed:



Designation: **Deputy Head of Legal and Democratic Services**
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 : Telephone: 029 2082 3866
Fax: 029 2082 5150

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

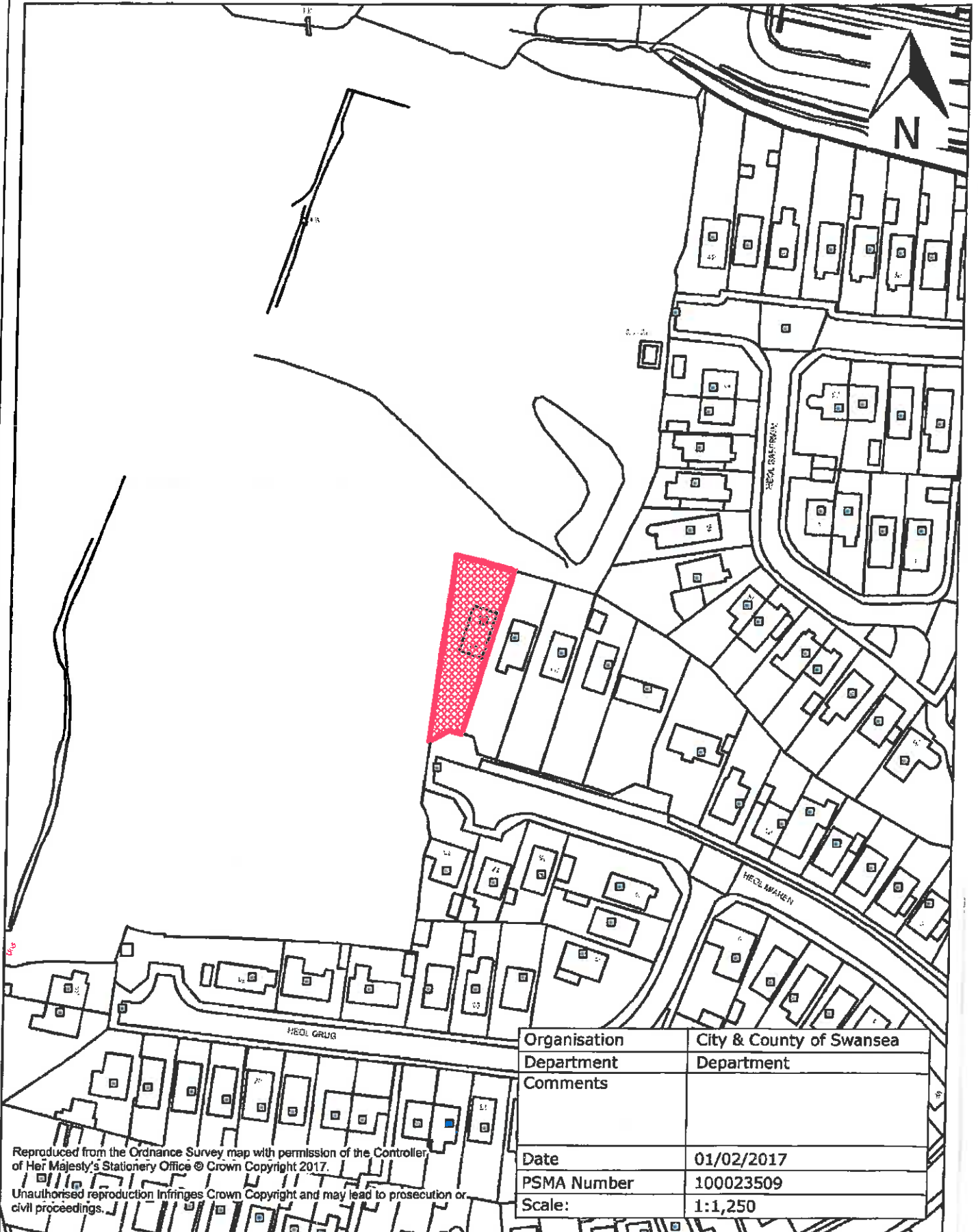
If you need any independent advice about this Notice you are advised to contact a lawyer, planning consultant or other professional advisor specialising in planning matters.

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:

- 1. Terence Firth, Apartment 112 St Margarets Court, Maritime Quarter, Swansea, SA1 1RZ**
 - 2. Julie White, Apartment 112 St Margarets Court, Maritime Quarter, Swansea, SA1 1RZ**
 - 3. The Owner/Occupier, 26 Heol Miaren, Morriston, Swansea, SA6 6EL**
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"The Land" - 26 Heol Miaren, Morriston



Organisation	City & County of Swansea
Department	Department
Comments	
Date	01/02/2017
PSMA Number	100023509
Scale:	1:1,250

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