

**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 ENF2016/3074**

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 Llwyn Celyn Balaclava Road Glais Swansea SA7 9HH 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 works to the front of the property involving the re-profiling of the land, the erection of a retaining wall to the front of the property, the erection of decking to the front of the property, the erection of a boundary fence and the erection of a side extension.

#### **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.

As a result of the engineering works, surface water from the development is running off the site onto adjoining property, thereby increasing the risk of flooding. In the absence of a planning application whereby a scheme for the drainage of the land could be considered, it is considered that the development increases the risk of flooding, to the detriment of the water environment and has an unacceptable impact on residential amenity, contrary to policies EV1 and EV35 of the City and County of Swansea Unitary Development Plan 2008.

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

1. Remove the retaining wall and decked area

2. Re-instate the land levels to the front of the property to the levels on site prior to the commencement of the works specified in part 3 of this notice.

3. On completion of step 2 above, seed or turf the whole of the finished landform.

**6. TIME FOR COMPLIANCE**

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

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **06.05.2017**, unless an appeal is made against it before that date.

Dated: **06.04.2017**

Signed:



Designation: **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**

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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 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](mailto: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 **£380.00**. 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. John Stuart Saunders, 30 Tregelles Court, Cwmrhydyceirw, Swansea, SA6 6PP**
  - 2. The Owner/Occupier, Llwyn Celyn, Balaclava Road, Glais, Swansea, SA7 9HH**
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# "The Land"

The Plan



Organisation	City & County of Swansea
Department	Department
Comments	
Date	05/04/2017
PSMA Number	100023509
Scale:	1:1,250

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