

**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 ENF2018/0058**

**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 Sancta Maria Hospital Ffynone Road Uplands Swansea SA1 6DF 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 construction of a concrete pad.

**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 construction of the completed concrete pad has resulted in significant damage to the root system of the retained protected yew tree which will impact on the longevity of the tree. The loss of the tree will have a detrimental impact on the character and appearance of the Ffynone and Uplands Conservation Area contrary to the provisions of Policies EV1, EV9 and EV30 of the City & County of Swansea Unitary Development Plan (Adopted 2008) and advice contained within The Protection of Trees on Development Sites Supplementary Planning Guidance (Adopted October 2016).

The planning merits of the retention of the concrete pad have been duly considered in an application which was refused planning permission on 7<sup>th</sup> August 2018 (Ref: 2018/0435/FUL) and a subsequent appeal decision (Ref: APP/B6855/A/18/3210593) dismissed by the Planning Inspectorate on 26<sup>th</sup> November 2018.

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

- (i) Break up and remove the concrete pad;
- (ii) Remove all the materials resulting from the actions of part 5 (i) from the Land.

**6. TIME FOR COMPLIANCE**

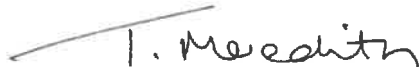
**2 months** beginning with the day on which this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **23rd February 2019** unless an appeal is made against it before that date.

Dated: **23rd January 2019**

Signed:



Designation: **Head of Legal, Democratic Services and Business Intelligence**  
**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: 0303 444 5962  
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.

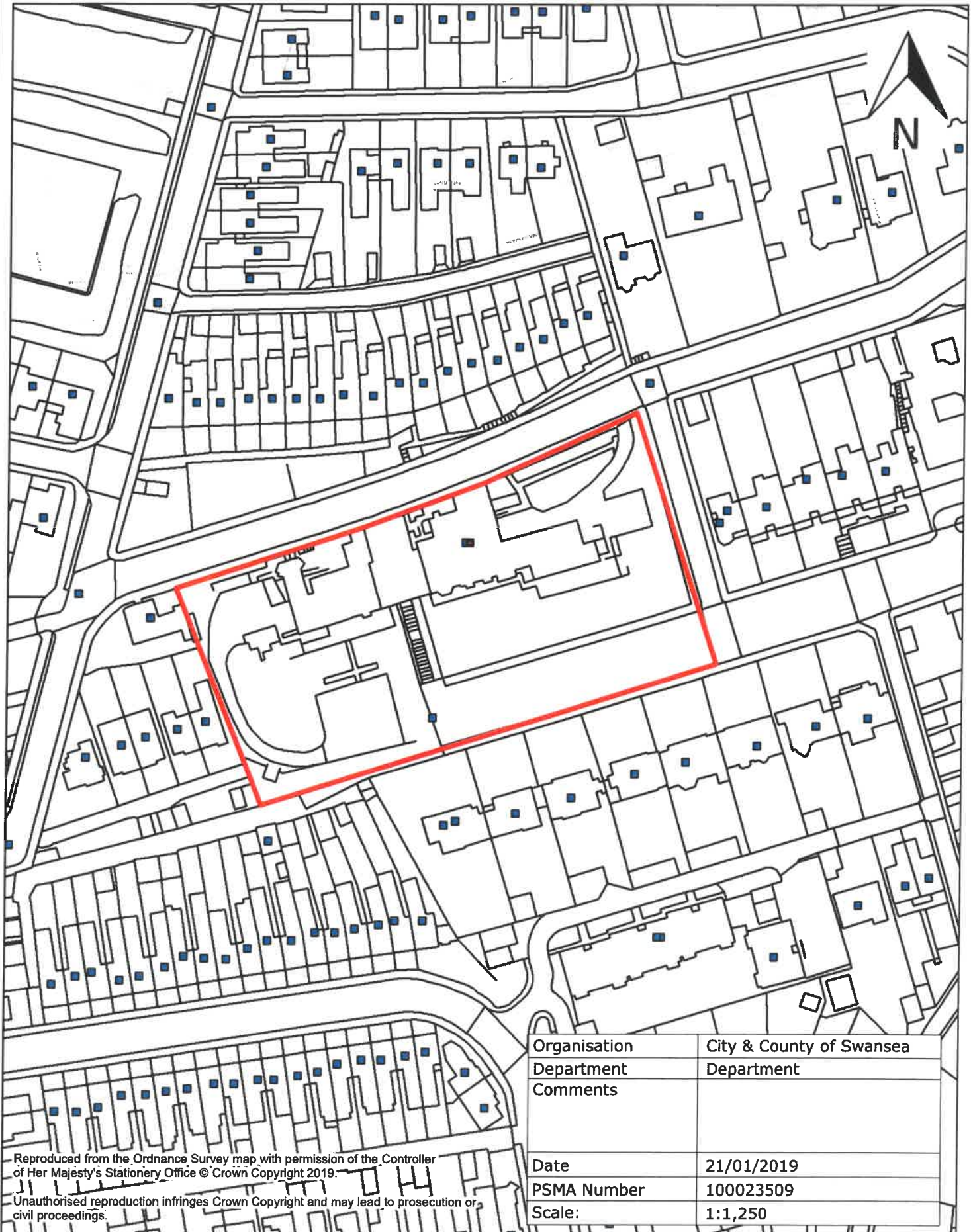
## **PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED**

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

- 1. Sancta Maria Hospital, Ffynone Road, Uplands, Swansea, SA1 6DF**
  - 2. The Hospital Management Trust, 14 Queen Anne's Gate, London SW1H 9AA**
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# "The Land"

"The Plan"



Organisation	City & County of Swansea
Department	Department
Comments	
Date	21/01/2019
PSMA Number	100023509
Scale:	1:1,250

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