

**IMPORTANT - THIS COMMUNICATION
AFFECTS YOUR PROPERTY**

ENFORCEMENT NOTICE

**MATERIAL CHANGE OF USE AND OPERATIONAL
DEVELOPMENT**



The Town and Country Planning Act 1990 (as amended)

ISSUED BY THE CITY AND COUNTY OF SWANSEA ("The Council")

COUNCIL REFERENCE ENF2016/3059

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 10 Skinner Street, Waun Wen, Swansea, SA1 6FU 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 change of use and extension on an outbuilding, into a self-contained 2 bedroom dwellinghouse.

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 development by virtue of the scale, built form and fenestration detail, located within a rear garden context within close proximity of the common rear boundaries, has a significant and demonstrable detrimental visual and physical overbearing impact on the occupiers of the adjoining terraced properties, that is considered to be detrimental to the visual and residential amenities that the occupiers of these properties should reasonably expect to enjoy, contrary to Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and advice contained with the Infill and Backland Design Guide SPG (Adopted 2014).

The development by virtue of the extent of new build, increase in height, fenestration detailing, external finishes and a residential entrance from Wheatfield Terrace, has introduced a residential dwelling within a rear garden context, which is totally out of character with the strong pattern of linear development within the streetscene. The development is therefore considered to result in demonstrable harm to the visual amenities of the street scene and wider area, contrary to Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and advice contained with the Infill and Backland Design Guide SPG (Adopted 2014).

The development by virtue of its siting at the rear of 10 Skinner Street, results in a cramped and overintensive form of residential development, which results in unacceptable and detrimental impacts, from increased use, overlooking and loss of privacy impacts, over and above that expected within a restricted rear garden area, to the detriment of visual and residential amenities of the occupiers of the neighbouring dwellings and the amenities future occupiers of the residential accommodation should reasonably expect to enjoy, contrary to the requirements of Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan (Adopted 2008) and advice contained with the Infill and Backland Design Guide SPG (Adopted 2014).

The Land has been subject of a planning application seeking retention of the development that was subsequently refused by the Local Planning Authority on 9th November 2018 (Ref: 2017/0562/FUL).

5. WHAT YOU ARE REQUIRED TO DO

- i) Remove the building and all associated materials from the land.

6. TIME FOR COMPLIANCE

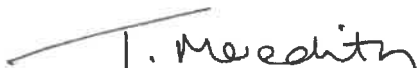
Six months beginning with the day on which this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **01.03.2019**, unless an appeal is made against it before that date.

Dated: **29.01.2019**

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 : 0303 444 5962
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**. 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.

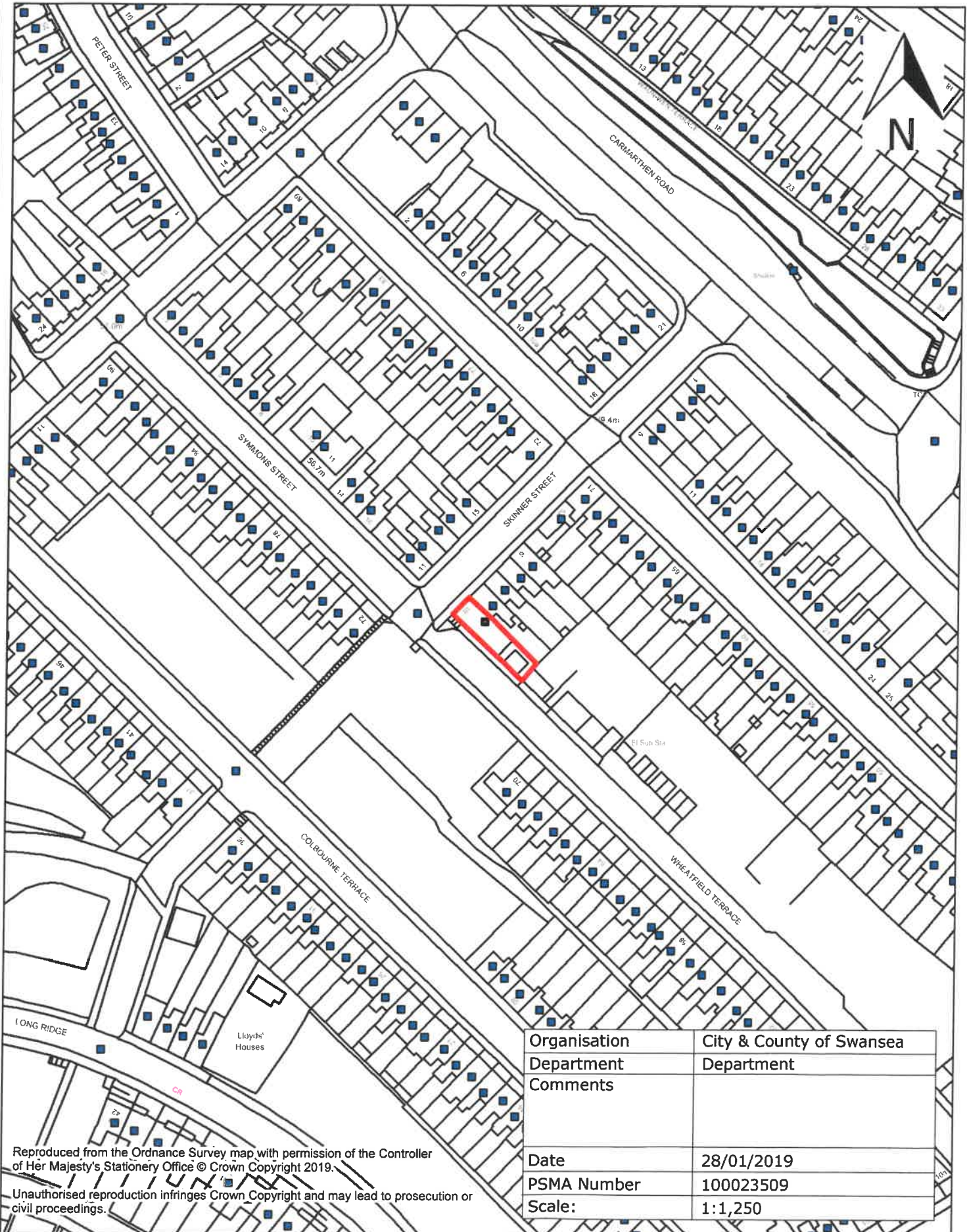
PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED

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

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- 1. Mr Golam Kabir of 10 Skinner Street, Waun Wen, Swansea SA1 6FU**
 - 2. Mr Ahmodul Kabir of 24 Merceron Houses, Globe Road, London E2 0PA and of 10 Skinner Street, Waun Wen, Swansea SA1 6FU**
 - 3. Owner/Occupier, outbuilding to rear of 10 Skinner Street, Waun Wen, Swansea, SA1 6FU**
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"THE LAND"

"THE PLAN"



Organisation	City & County of Swansea
Department	Department
Comments	
Date	28/01/2019
PSMA Number	100023509
Scale:	1:1,250

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