

**IMPORTANT - THIS COMMUNICATION
AFFECTS YOUR PROPERTY**

SECTION 215 NOTICE



LAND ADVERSELY AFFECTING THE AMENITY OF THE AREA

The Town and Country Planning Act 1990 (as amended)

**ISSUED BY THE CITY AND COUNTY OF SWANSEA ("The Council")
COUNCIL REFERENCE ENF2018/0433**

1. **THIS NOTICE** is served by the Council under Section 215 of the above Act because it appears to them that the amenity of a part of their area is adversely affected by the condition of the land described below.

2. **THE LAND TO WHICH THIS NOTICE RELATES**

Land at **Fairwood Terrace Gowerton Swansea SA4 3AE** in the City and County of Swansea ("the Land"), shown edged red on the plan appended hereto ("the Plan").

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

Notice is given in accordance with Section 215 of the Town and Country Planning Act 1990 (as amended) that the Council requires the following steps to be taken for remedying the condition of the land:

- (i) Removal of all storage containers and a wooden storage shed
- (ii) Removal of building material (including pallets of paving slabs and other miscellaneous items)
- (iii) Clear the land of all debris, and other waste items and materials (mattress, chairs, pots, pipes)
- (iv) Cutting back of all overgrowth onsite.

4. **TIME FOR COMPLIANCE**

Steps (i) to (iv) above to be completed within 3 months of the date on which this Notice takes effect

5. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **22/06/2019**

Dated: **22/05/2019**

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

IT IS IMPORTANT THAT YOU READ THE NOTES THAT FOLLOW

NOTES

Extracts from the Town and Country Planning Act 1990 (as amended)

LAND ADVERSELY AFFECTING THE AMENITY OF NEIGHBOURHOOD

Penalty for Non Compliance with a Section 215 Notice

216

1. The provisions of this section shall have effect where a Notice has been served under Section 215.
2. If the owner or occupier of the land on whom the Notice was served fails to take the steps required by the Notice within the period specified in it for compliance with it, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3* on the standard scale.
3. Where proceedings have been brought under Subsection (2) against a person as the owner of the land and he has, at some time before the end of the compliance period, ceased to be the owner of the land, if he:
 - (a) Duly lays information to that effect; and
 - (b) Gives the prosecution not less than three clear days' notice of his intention, he shall be entitled to have the person who then became the owner of the land brought before the Court in the proceedings.
4. Where proceedings have been brought under Subsection (2) against a person as the occupier of the land, and he has, at some time before the end of the compliance period, ceased to be the occupier of the land if he:
 - (a) Duly lays an information to that effect; and
 - (b) Gives the prosecution not less than three clear days' notice of his intention, he shall be entitled to have brought before the Court in the proceedings the person who then became the occupier of the land, or if no one then became the occupier, the person who is the owner at the date of the Notice.
5. Where in such proceedings:
 - (a) It has been proved that any steps required by the Notice under Section 215 have not been taken within the original compliance period; and
 - (b) The original defendant proves that the failure to take those steps was attributable, in whole or in part, to a person specified in a Notice under Subsection (3) or (4);

then:

- (a) That person may be convicted of the offence; and
 - (b) If the original defendant also proves that he took all reasonable steps to ensure compliance with the Notice, he shall be acquitted of the offence.
6. If, after a person has been convicted under the previous provisions of this section, he does not as soon as practicable do everything in his power to secure compliance with the Notice he shall be guilty of a further offence and liable on summary conviction to a further fine not exceeding £40 for each day following his first conviction on which any of the requirements of the Notice remain unfulfilled.
7. Any reference in this section to the compliance period, in relation to a Notice, is a reference to the period specified in the Notice for compliance with it or such extended period as the Local Planning Authority may allow for compliance.

(* Currently £1,000, subject to alteration by Order).

Appeals

218

- (1) An appeal may be made under Section 217 of the Planning Act and must be made by giving written notice of the appeal to the Welsh Ministers so that the notice of appeal is received by them within the period specified in the enforcement notice under section 215 of the Planning Act as the period at the end of which it is to take effect.
- (2) A person who gives notice under paragraph (1) must send to the Welsh Ministers a full statement of case comprised of:-
 - (a) a statement in writing specifying the grounds of the appeal, stating the facts on which the appeal is based and containing full particulars of the case the appellant proposes to put forward in relation to the appeal; and
 - (b) copies of any supporting documents the appellant proposes to refer to or put forward in evidence.
- (3) If the full statement of case mentioned in paragraph (2) is not included with the notice of appeal, the appellant must send it to the Welsh Ministers so that it is received by them before the end of the period specified in paragraph (4).
- (4) The period specified in this paragraph is –
 - (a) 7 days beginning with the day on which the notice of appeal is received by the Welsh Ministers; or
 - (b) Such longer period as the Welsh Ministers may allow provided that any such longer period is authorised in writing by them within the period specified in the enforcement notice as the period at the end of which it is to take effect.
- (5) The appellant must send to the local planning authority, as soon as reasonably practicable, a copy of the notice of appeal and the full statement of case mentioned in paragraph (2).

Execution and Cost of Works Required by the Notice

219

1. If, within the period specified in a Notice under Section 215 in accordance with Subsection (2) of that section, or within such extended period as the Local Planning Authority who served the Notice may allow, any of the steps required by the Notice to be taken have not yet been taken, the Local Planning Authority who served the Notice may:
 - (a) Enter onto the land and take those steps.
 - (b) Recover from the person who is then the owner of the land any expenses reasonable incurred by them in doing so.

NOTE:

attention is also drawn to Section 219 which contains supplementary provisions as to Notices under Section 215 and to Section 285 which relates to the right to question the validity of such a Notice.

"The Land"

"The Plan"



Organisation	City & County of Swansea
Department	Department
Comments	
Date	21/05/2019
PSMA Number	100023509
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