

**IMPORTANT - THIS COMMUNICATION
AFFECTS YOUR PROPERTY**

ENFORCEMENT NOTICE

BREACH OF PLANNING CONDITION

The Town and Country Planning Act 1990 (as amended)



**ISSUED BY THE CITY AND COUNTY OF SWANSEA ("The Council")
COUNCIL REFERENCE ENF2016/3070**

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)(b) 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 61A Pennard Road, Pennard, Swansea, SA3 2AD 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

The occupation of the dwellinghouse without complying with Condition 5 of planning permission 103/68 dated 6th April 1968.

Condition 5 of planning permission 103/68 (dated 6th April 1968) states that:

"The occupation of the dwelling shall be limited to a person employed or last employed locally in agriculture as defined in Section 221(1) of the Town and Country Planning Act, 1962, or in forestry or a dependent of such a person residing with him (but including a widow or widower of such a person). For the avoidance of doubt this condition shall include the retailing of milk."

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 unauthorised occupation of the dwellinghouse (contrary to Condition 5 of planning permission 103/68) is tantamount to new development in the open countryside and is contrary to Policy EV20 of the City and County of Swansea Unitary Development Plan.

The current occupiers of the dwellinghouse have not attempted (through the submission of a planning application to remove Condition 5) to adequately demonstrate that there is no longer a demand for the dwelling to serve the general local agricultural community and has failed to demonstrate that the

property has been marketed to the wider agricultural community for rent or sale or at an asking price which accurately reflects the reduction in value attributable to the agricultural occupancy restriction.

The failure to demonstrate that there is not a demand for an agricultural worker's dwelling within the locality, combined with the continued unauthorised occupation of the dwelling, could lead to demand for a new agricultural worker's dwelling within the locality, which could result in sporadic and unnecessary development within the open countryside.

5. WHAT YOU ARE REQUIRED TO DO

Discontinue the occupation of the dwellinghouse except in accordance with the terms of Condition 5 of planning permission 103/68.

6. TIME FOR COMPLIANCE

24 months beginning with the day on which this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the **28th May 2018** unless an appeal is made against it before that date.

Dated: **23rd April 2018**

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 enclosed explanatory note provides advice on how to appeal and further advice may be available online at www.planning-inspectorate.gov.uk or by contacting The Planning Inspectorate on 029 2082 3866. Please read it carefully along with the relevant appeal form. 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.

WHAT HAPPENS IF YOU DO NOT APPEAL

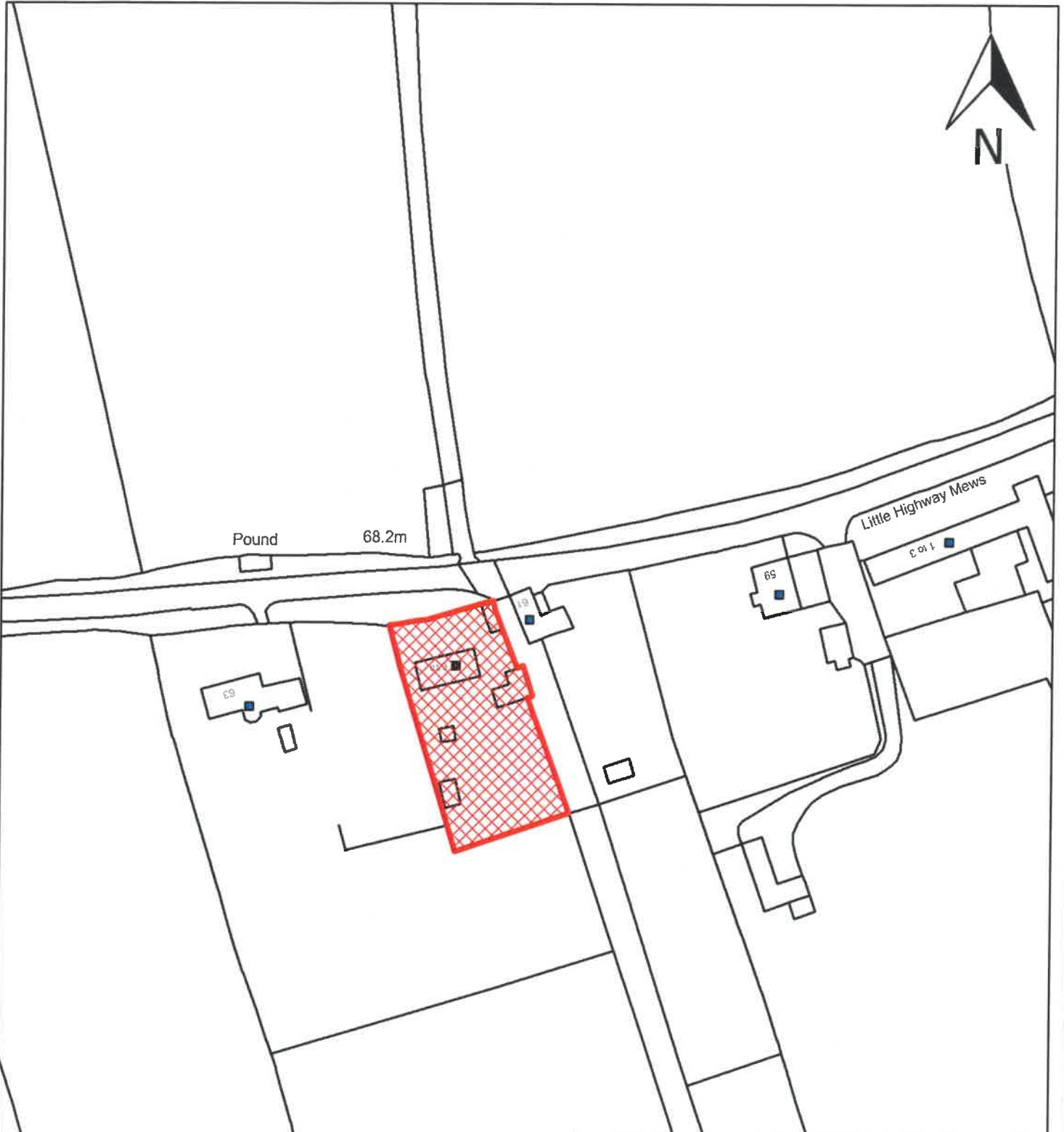
If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the Notice. 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.

"The land"

61a Pennard Road, Pennard, SA3 2AD



Organisation	City & County of Swansea
Department	Department
Comments	
Date	20/04/2018
PSMA Number	100023509
Scale:	1:1,250

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