

**IMPORTANT - THIS COMMUNICATION
AFFECTS YOUR PROPERTY**

ENFORCEMENT NOTICE

Failure to comply with a condition

The Town and Country Planning Act 1990 (as amended)



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

COUNCIL REFERENCE ENF2017/0135

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**

Hengoed Park Care Home, Cefn Hengoed Road, Winch Wen, Swansea, SA1 7LQ

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Condition 4 of planning permission 2012/0461 has not been complied with.

Condition 4 states:

4. Prior to the beneficial occupation of the development hereby approved, the use of the temporary access road shall cease and a scheme for the re-instatement of the land, including a timescale for the works, shall be submitted to and agreed in writing by the Local Planning Authority. The re-instatement shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the green wedge and in the interests of visual amenity.

The development is occupied but a scheme for the re-instatement of the temporary access road has not been approved by the Local Planning Authority and the temporary access road remains in situ.

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 temporary access road has an unacceptable impact on the openness of the countryside and Kilvey Green Wedge at this location, to the detriment of visual

amenity. The retention of the access road is contrary to policies EV1, EV21, EV22 and EV23 of the City and County of Swansea Unitary Development Plan 2008.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Excavate out all imported material used to construct the temporary track.**
- (ii) Remove material off site to contractor's tip.**
- (iii) Import sub and top soils to site.**
- (iv) Spread and backfill the trench of former track with sub soil to within a depth of 100mm from surrounding ground levels.**
- (v) Backfill trench to the surrounding ground levels with a minimum depth of 100mm top soil.**
- (vi) Sow with an amenity grass seed to BS 4428. The mix should contain 70% perennial ryegrass.**

Notes

Imported Top Soil

Shall generally be in accordance with BS.3882 (2015). It shall be obtained from an approved source and extracted from the top 150mm of ground and is to be good quality loam of a workable consistency free from pernicious weeds, straw, stones, sticks, clay lumps and all other deleterious matter. All foreign substances over 50mm in size shall be removed prior to spreading. The pH value shall be between 6.00 and 7.5 and humus content not less than 50% on a dry weight basis.

Imported Sub Soil

Generally to conform to BS 8601:2013. Sub soil shall be free draining with a high grit content and a low clay particle element. The proportion of inorganic or organic matter over 50mm in any one dimension shall not exceed 20% by volume. No object greater than 125mm shall be allowed within the sub soil.

Grass Seeding

- 1. Mix seed with 3 parts sand to one part grass seed. Mix thoroughly.**
- 2. Grass seed shall be sown during the period 1st September to 31st October.**
- 3. Ensure weather conditions are suitable, e.g. not gale force winds or torrential rain**
- 4. Sow in two passes, east to west and north to south to ensure full coverage of sites to be lawned.**
- 5. Firm seed into soil using a garden roller or 'treading'.**
- 6. Sowing shall be immediately followed by lightly raking the surface of the soil to cover the seeds, by use of a chain harrow or other suitable plant.**
- 7. Newly sown or turfed grass shall be watered as necessary to ensure establishment. When grassed areas require irrigation, water shall be applied at the rate of 15 l/m² using low pressure hose sprinkler or spray evenly over the entire area.**
- 8. Newly-established grass, shall be mown to leave a nominal 50 mm height. The first mowing shall be carried out once the grass has reached a height of 100 mm, the second and any subsequent establishment cuts when it has re-grown to 100 mm.**

6. TIME FOR COMPLIANCE

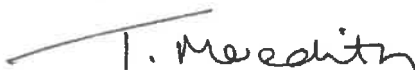
3 months beginning with the day on which this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **3rd August 2018** unless an appeal is made against it before that date.

Dated: **6th July 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 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

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 **£760.00**. 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.

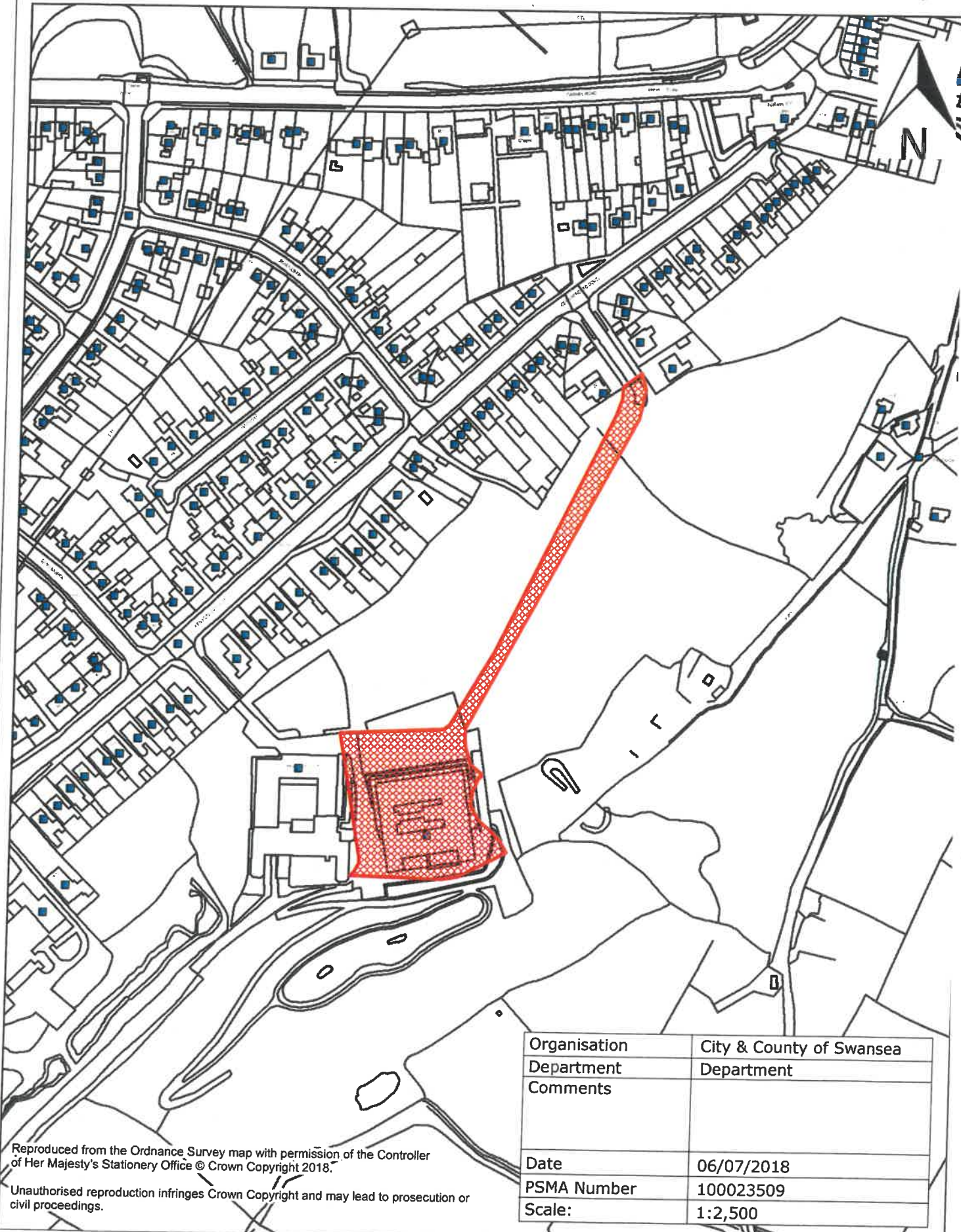
PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED

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

- 1. Mr Des Davies, Hengoed Court, Cefn Hengoed Road, Winch Wen, Swansea, SA1 7LQ**
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"The Land"

Scale 1:2500



Organisation	City & County of Swansea
Department	Department
Comments	
Date	06/07/2018
PSMA Number	100023509
Scale:	1:2,500

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