

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 ENF2022/0055

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 Brandy House Landimore Swansea SA3 1HD 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 erection of four holiday chalet buildings (each with a decked area and associated skirting, timber screening and steps, stainless steel and glass balustrading and hot tub), the construction of timber steps (within the north-eastern corner of the site), the erection of timber fences and gates, the erection of timber and wire fencing, the creation of gravelled walkways and associated timber edging, the construction of a timber retaining structure (along the rear edge of the walkway located to the rear of the holiday chalets) and the installation of a septic tank and associated equipment and pipework.

4. REASONS FOR ISSUING THIS NOTICE

- (i) It appears to the Council that the above breach of planning control has occurred within the last four years.
- (ii) The unauthorised development, by virtue of its prominent location, inappropriate design and general appearance and associated resultant high levels of light spill, represents a visually discordant, intrusive and prominent form of development within the open countryside and Landimore Conservation Area, which has a seriously detrimental impact on the character and appearance of the local landscape and coastline and detracts from the integrity of the Conservation Area and natural beauty of this part of the Gower AONB.

The Development erodes the tranquil and open nature of this prominent site, to the detriment of the spacious and verdant character of the immediate sensitive area and wider Gower AONB, contrary to Policies PS2, CV2, ER7, HC1, HC2, RP3 and ER4 of the Swansea Local Development Plan (2019) and the Council's Placemaking Guidance for the Gower AONB (2021).

- (iii) The highway network serving the site is considered to be of a sub-standard width for much of its length, does not feature adequate passing points for long sections (including a long section leading up to the site) and is devoid of segregated footways.

The site is also considered to be located in an unsustainable location with poor access to suitable public transport, resulting in an over-reliance on private transport.

The holiday chalets have resulted in increased levels of vehicular movements to the site which, given the poor highway network serving the site, would be to the detriment of highway and pedestrian safety, contrary to Policies T5 and T6 of the Swansea Local Development Plan (2019).

- (iv) The site owner has failed to provide a Flood Consequences Assessment pertaining to the unauthorised development. It has therefore not been demonstrated that the consequences of flooding (including the risk to human life) can be acceptably managed over the lifetime of the development (100 years) contrary to Policy RP5 of the Swansea Local Development Plan (2019).

- (v) The unauthorised development, by virtue of its close proximity to protected trees, has had an adverse impact on the roots of these trees and consequently (in the absence of any information being provided by the site owner to the contrary) has likely affected the longevity of these trees. The close proximity of the holiday chalets to these trees will also likely lead to increased pressure for their future removal.

The loss of these protected trees would result in significant adverse visual harm to the character and appearance of the site, the Landimore Conservation Area and wider Gower AONB, contrary to Policies, ER4, HC1, HC2, and ER11 of the Swansea Local Development Plan (2019) and Council's Trees, Hedgerows and Woodland SPG (2021).

- (vi) The site owner has failed to provide an Ecological Survey and Assessment of the site. It has therefore not been demonstrated that the unauthorised development has not had a detrimental impact on local ecological interests, including local habitats and protected species, contrary to Policies ER 8 and ER9 of the Swansea Local Development Plan (2019) and the Council's Development and Biodiversity SPG (2022).

- (vii) The holiday chalets have given rise to an increased level of 'comings and goings' and have generated increased levels of noise and disturbance to this once secluded and tranquil site, to the detriment of the tranquillity of the locality and the residential amenities previously enjoyed by the occupants of the nearby properties known as The Saltings and Seaview Bungalow, contrary to Policy PS2 of the Swansea Local Development Plan (2019).

- (viii) The site owner has failed to provide an adequate Tourism Needs and Development Impact Assessment pertaining to the unauthorised development. Therefore, the need and demand for the holiday chalets in this countryside location has not been justified, it has not been demonstrated that the holiday chalets could not be accommodated within an existing settlement and it has not been demonstrated that the holiday chalets would be viable and sustainable as a tourism business, contrary to Policies TR 1, TR 3 and TR 5 of the Swansea Local Development Plan (2019).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the occupation of the holiday chalet buildings.
- (ii) Demolish the four holiday chalet buildings, including their slabs, foundations, attached decked areas and associated skirtings, timber screening panels and steps and remove from the site. Remove from the site the four hot tubs. Dismantle the stainless steel/glass balustrading serving each decked area and remove them from the site.
- (iii) Remove the timber steps leading to the chalet buildings, from the northern boundary of the site.
- (iv) Remove all gravelled pathways and associated timber edging.
- (v) Remove all timber fences and gates and remove all timber and wire fencing.
- (vi) Remove the timber retaining structure constructed along the rear edge of the walkway located to the rear of the holiday chalets.
- (vii) Dismantle and remove from the site the septic tank and any associated equipment and pipework installed as part of the unauthorised development.
- (viii) Remove from the site all materials and waste arising from requirements (ii) to (vii) above.
- (ix) Re-profile and re-instate the land to its profile and condition prior to the unauthorised development taking place.

6. TIME FOR COMPLIANCE

Requirement (i) - One day from the date on which this Enforcement Notice takes effect.

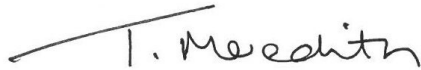
Requirements (ii) to (ix) - Six months from the date on which this Enforcement Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 11th December 2023 unless an appeal is made against it before that date.

Dated: 10th November 2023

Signed:

A handwritten signature in black ink, appearing to read 'T. Meredith', written over a horizontal line.

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

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 and Environment Decisions Wales appointed by the Welsh Government 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 and Environment Decisions Wales has produced a booklet on "Making your Enforcement Appeal". You can access a PDF version of the booklet from the Planning and Environment Decisions Wales website to print

<http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/enforcement-appeals/?lang=en>.

Appeal forms can be obtained from the Planning and Environment Decisions Wales.

Address : Planning and Environment Decisions Wales
2nd Floor West
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Telephone : Telephone: 0300 060 4400

E-mail : PEDW.Casework@gov.wales

or downloaded from the following website:

[Planning appeal forms | GOV.WALES](#)

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 and Environment Decisions Wales 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 **£3680.00**. 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 Brian John Phillips, Brandy House, Landimore, Swansea, SA3 1HD**
2. **Mr Brian John Phillips, 58 Gwynfor Road, Cockett, Swansea, SA2 0XE**
3. **Gower Coast Cabins Ltd, Brandy House, Landimore, Swansea, SA3 1HD**
4. **Ms Kerrie-Ann Garrett, Brandy House, Landimore, Swansea, SA3 1HD**
5. **Godiva Mortgages Ltd, Oakfield House, Binley Business Park, Harry Weston Road, Binley, Coventry CV3 2TQ**
6. **The Occupier, The Caswell Bay Hideout, Landimore, Swansea, SA3 1HD**
7. **The Occupier, The Llangland Bay Lookout, Landimore, Swansea, SA3 1HD**
8. **The Occupier, The Rhossili Bay Secret, Landimore, Swansea, SA3 1HD**
9. **The Occupier, Brandy Cove, Landimore, Swansea, SA3 1HD**

Notice also posted adjacent to the site for any potential occupiers of the units at the time of service of Notice/at time Notice takes effect

The Plan

The Land



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Organisation	City & County of Swansea
Department	Department
Comments	
Date	09/11/2023
PSMA Number	100023509
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