

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 ENF2021/0048**

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 90 Sketty Park Drive Sketty Swansea SA2 8NG 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 installation of a front/side boundary fence.

#### 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 boundary fence exceeds 1 metre in height adjoining a public highway, is development, and is not permitted development by virtue of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) (‘GPDO’).

Planning permission was recently refused for the same development subject of this enforcement notice. The application sought permission for: “Retention of front / side boundary fence above boundary wall to a maximum height of 1.68 metres” at the property. Application reference 2021/0537/FUL was refused by the Council on 29th April 2021, for the following reasons:

*The boundary fence, by reason of its prominent siting, excessive height and inappropriate materials, is considered to constitute a discordant feature within the street scene, to the detriment of the visual amenities of the area, contrary to Policy PS2 of the Swansea Local Development Plan (2019) and the Council's Design Guide for Householder Development' (2008).*

*The boundary fence, by virtue of its excessive height and siting, obstructs the visibility of vehicles leaving the site and the neighbouring properties, giving rise to*

*conditions which would have a detrimental impact on highway safety, contrary to Policy PS2 of the Swansea Local Development Plan (2019) and the Council's Design Guide for Householder Development' (2008).*

## **5. WHAT YOU ARE REQUIRED TO DO**

- (i) Completely remove the timber boundary fence along the front boundary (south);

### **AND**

either:

- (a) Remove the timber boundary fence along the side boundaries (west and east) for a minimum distance of 1m back from the front (southern) boundary;

Or

- (b) Reduce the height of the timber fence along the side boundaries (west and east), for a minimum distance of 1m back from the front (southern) boundary, so that it does not exceed 1m in height from ground level.

## **6. TIME FOR COMPLIANCE**

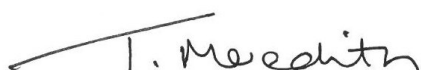
3 months beginning with the day on which this notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on the 14<sup>th</sup> July 2021 unless an appeal is made against it before that date.

Dated: 14<sup>th</sup> June 2021

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**

---

# 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](mailto: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 **£460.00**. 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.

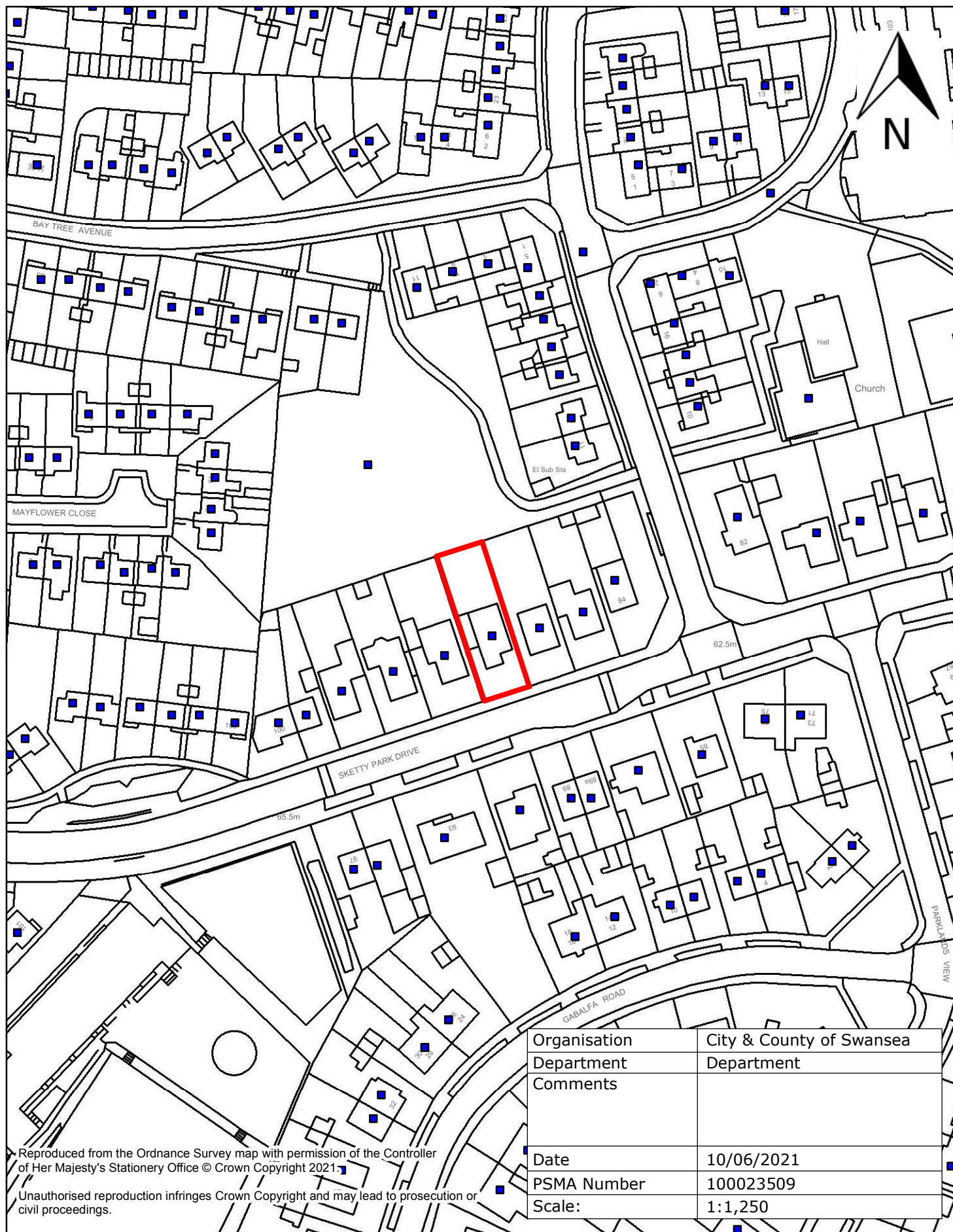
## **PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED**

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

- 1. Mr David James, 11 Millands Close, Newton, SWANSEA, SA3 4SE (owner)**
  - 2. The Occupier, 90 Sketty Park Drive, Sketty, SWANSEA, SA2 8NG**
-

# "The Land"

"The Plan"



Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2021.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.