
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/05/20

gan Richard E. Jenkins BA (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.06.2020

Appeal Decision

Site visit made on 13/05/20

by Richard E. Jenkins BA (Hons) MSc
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22.06.2020

Appeal Ref: APP/B6855/C/19/3243536

Site address: Land at 81 Carmel Road, Winch Wen, Swansea, SA1 7JZ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Kymm Gale against an enforcement notice issued by City and County of Swansea Council.
 - The enforcement notice, numbered ENF2019/0306, was issued on 20 November 2019.
 - The breach of planning control as alleged in the notice is, without planning permission, the extension in height of a front boundary wall by the addition of a fence and gates.
 - The requirements of the notice are to remove the fence and gates along the front boundary.
 - The period for compliance with the requirements is two months beginning with the day on which the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990, as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appellant's grounds of appeal state that the structures subject of the enforcement action were erected four years ago. However, exact dates have not been submitted and there is no tangible evidence to indicate that the structures are immune from enforcement action under the provisions of Section 171B of the Act, as amended. I shall therefore confine my reasoning to the arguments advanced under ground (f), which was the only ground of appeal pleaded on the Appeal Form.
3. As the prescribed fees have not been paid, there is no ground (a) appeal or any application for planning permission deemed to have been made under section 177(5) of the Act. As such, the planning merits of the development are not material to the determination of this appeal.

Reasons

4. An appeal under ground (f) is that the requirements of the enforcement notice are excessive and that lesser steps would overcome the objections. The appellant has not specified what lesser steps would overcome the objections raised and, having regard to the fact that the breach of planning control constitutes the erection of fence
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panelling above an existing wall and the installation of a full height pedestrian gate, I have no reason to conclude that the breach of planning control could be reasonably remedied through lesser steps.

5. The appellant has referred within the evidence to a lack of complaints from neighbouring occupiers and has also raised concerns in relation to other buildings within the vicinity of the appeal site. However, such matters fail to demonstrate that the requirements of the enforcement notice are excessive. As with the other arguments advanced by the appellant, such matters also comprise arguments relating to the planning merits of the development which are beyond my jurisdiction in determining this appeal. I therefore find nothing to lead me to conclude that the requirements of the notice are excessive.
6. Based on the foregoing analysis, and having considered all matters raised, I conclude that the appeal under ground (f) should fail and that the enforcement notice should be upheld.

Richard E. Jenkins

INSPECTOR