IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY

RECORDED DELIVERY

Our Ref: ENF/08/10

3 June 2010

Awdurdod
Parc Cenedlaethol
Arfordir Penfro
Parc Llanion, Doc Penfro
Sir Benfro SA72 6DY

Pembrokeshire Coast
National Park
Authority
Llanion Park, Pembroke Dock
Pembrokeshire SA72 6DY

Ffôn/Tel: 0845 345 7275

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DX 120354 Pembroke Dock

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pcnp@pembrokeshirecoast.org.uk

www.arfordirpenfro.org.uk
www.pembrokeshirecoast.org.uk

Croesawn ohebiaeth yn Gymraeg a Saesneg
We welcome correspondence in English and Welsh

Mr R N Nicholas
Noddfa
Heol Cwmbach
Drefach
Llanelli
SA14 7AD

Dear Mr Nicholas

RE: LAND AT BETTWS NEWYDD, PARROG, NEWPORT, PEMBROKESHIRE

An Enforcement Notice has been issued on the above land relating to the unauthorised construction of a partially completed dwelling house including 3 storey elements together with garaging and associated driveway and hardstanding and related groundworks, earthworks and landscaping and I now serve on you copies of the notice in view of your interest in the land. Copies are also being served on others who may have an interest in the land.

Unless an appeal is made to the Planning Inspectorate, as described below, the notice will take effect on the 6 July 2010 and you must then ensure that the required steps for which you may be held responsible are taken within the period specified in the notice. If you wish to appeal against the notice you should first read the annex to the notice and also the enclosed booklet entitled "Making your Enforcement Appeal". Your attention is particularly drawn to Appendix 6 of the booklet which sets out the relevant sections of the Act relating to powers to issue Enforcement Notices and your right of Appeal. You, or your agent, should then complete the enclosed appeal form and send one copy with the extra copy of the enclosed Enforcement Notice to the Planning Inspectorate at the address given in the Annex to the Notice. A copy of the appeal form must also be forwarded to me at the address given at the head of this letter and the other copy is for your retention (see Annex).

In some cases a fee is payable for the deemed application and the Planning Inspectorate will inform you directly of the amount due, if applicable. Your appeal must be received by The Planning Inspectorate before the 6 July 2010 when the Notice takes effect.

Yours sincerely

V. K. Hirst

Vicki Hirst
Head of Development Management
Enc.

Copies to: *The Manager, Barclays Bank PLC, 1-6 Pocketts Wharf, East Burrows Road, Swansea, SA1 3XL*

ENF/08/10

IMPORTANT -THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

Issued by: Pembrokeshire Coast National Park Authority

To: Mr R N Nicholas, Noddfa, Heol Cwmbach, Drefach, Llanelli, SA14 7AD

1. **THIS NOTICE** is issued by the Authority because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A (1) of the above Act, at the land described below. They consider that it is expedient to issue the notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

   Land known as Bettws Newydd, Parrog, Newport, Pembrokeshire shown edged red on the attached plan.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

   Without planning permission, the construction of a partially completed dwelling house including 3 storey elements together with garaging and associated driveway and hardstanding and related groundworks earthworks and landscaping in the approximate position marked on the plan attached.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Authority that the above breach of planning control occurred within the last four years. Construction was commenced within that period.

On 2 July 2006 the Authority granted permission for the construction of a dwelling on the site in question to replace a then existing dwelling. The permission was subject to a number of conditions including a condition (condition 2) that the development permitted shall be carried out, and thereafter retained, strictly in accordance with the amended plan received on 24 July 2006. Further conditions, namely 5, 6 and 7 required certain information as there specified to be submitted to the National Parks Authority for approval prior to the commencement of work.

The building now constructed or in the course of construction is not in accordance with the approved plans and is materially different from that approved. The work was commenced without providing any information for approval as required by each of the conditions 5, 6 and 7 of the 2006 permission. Accordingly the development carried out was not implementation of the 2006 permission and has been carried out without the required planning permission.

Application for permission to carry out the development as constructed further to Town and Country Planning Act 1990 s73A was refused on 2 July 2009 for the reasons stated in the notice of refusal.

On 21 October 2009 the Authority considered the matter and was minded to take enforcement action but also concluded that there should be further consultation with the developer.

Thereafter an application was made for retention of a building and completion of a dwelling and landscape proposals under s73(A)(1) of the Town and Country Planning Act 1990. The building to be retained was that above identified as the partially completed dwelling. On 21 April 2010 the Authority considered the matters there reported including information which differed from that contained in the report to Committee on 21 October 2009 and decided that enforcement action as herein should be taken.

The Authority has now considered the matter in the light of the above, in particular the most recent information, and the justification for enforcement action and has concluded that the dwelling as constructed does not achieve an acceptable level of

integration with the land form and setting of the site. As a result it is significantly more prominent and visually intrusive than both the original dwelling and the dwelling approved in 2006. Nor does it reflect the proportions of other buildings on The Parrog. It is therefore in conflict with criteria i), ii) and iv) of JUDP Policy 67 (Conservation of Pembrokeshire Coast National Park), criterion iv) of JUDP Policy 56 (Replacement Dwellings) and JUDP Policy 76 design.

It is considered that the dwelling as constructed unacceptably injures public amenity, that action as below is commensurate with the breach and in particular that the dwelling as constructed causes unacceptable harm when compared with the position were the 2006 permission to be implemented. It is therefore in conflict with Criteria (ii) and (iv) of JUDP Policy 78 (Amenity). Landscaping and/or the imposition of conditions cannot overcome the objections to development and planning permission should not be granted. It is not practicable or possible to specify steps other than those specified in section 6 below to ensure that the development complies in all respects with the 2006 permission and approved plans, including the conditions attached thereto, or that it is otherwise acceptable.

5. POLICIES RELEVANT TO THE DECISION TO ISSUE A NOTICE

Policy 67- Conservation of the Pembrokeshire Coast National Park- Development and land use changes will not be permitted where these would adversely affect the qualities and special character of the Pembrokeshire Coast National Park by:-

i causing significant visual intrusion; and/or

ii being insensitively and unsympathetically sited within the landscape; and/or

iii introducing or intensifying a use which is incompatible with its location; and/or

iv failing to harmonise with, or enhance the landform and landscape character of the National Park; and/or

v. losing or failing to incorporate important traditional features.

Policy 56 –Replacement Dwellings- Planning permission will only be granted for the replacement of a dwelling if:-

i. the present dwelling has a lawful residential use: and

ii. the present dwelling is not the result of a temporary permission; and

iii. the new dwelling is sited to preclude retention of the dwelling it is to replace or there is a condition or planning obligation to ensure the demolition of the latter upon completion of the new dwelling; and

iv. the new dwelling is no more visually intrusive than the original dwelling.

Policy 76- Design- Development will only be permitted where it is well designed in terms of siting, layout, form, scale, bulk, height, materials, detailing and contextual relationship with existing landscape and townscape characteristics. The effects of layout and/or resource efficiency in building such as orientation, water conservation, adaptability and the use of environmentally sensitive materials will also be important considerations in the evaluation of planning applications.

Policy 78 – Amenity - Development will only be permitted where it does not have an unacceptable impact on amenity, particularly where:

i. the development is for a use inappropriate for where people live or visit; and/or

ii. the development is of a scale incompatible with its surroundings; and/or

iii. the development leads to an increase in traffic or noise which has a significant adverse impact; and/or

iv. the development is visually intrusive.

6. WHAT YOU ARE REQUIRED TO DO

(i) Remove the building, hardstanding and driveway and the groundworks and earthworks forming part thereof

(ii) Remove from the land all building materials and rubble arising from compliance with requirement (i) above and

restore the land to its condition before the breach took place by levelling and resurfacing the ground.

7. **TIME FOR COMPLIANCE**

(i) 6 months after this notice takes effect

(ii) 12 months after this notice takes effect

8. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 6 July 2010 unless an appeal is made against it beforehand.

Dated: 3rd June 2010

Signed: V. K. Hurst

Head of Development Management

On behalf of:

Pembrokeshire Coast National Park Authority

Llanion Park

Pembroke Dock

Pembrokeshire SA72 6DY

THE 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, Crown Buildings, Cathays Park, Cardiff, CF1 3NQ, before 6 July 2010. The enclosed booklet "Making your enforcement appeal" sets out your rights. Read it carefully. You may use the enclosed appeal forms if you decide to appeal. One is for you to send to The Planning Inspectorate, please also send a copy to me at the address given above and the other is for you to keep for your own records. You should also send The Planning Inspectorate the spare copy of this Enforcement Notice which is enclosed.

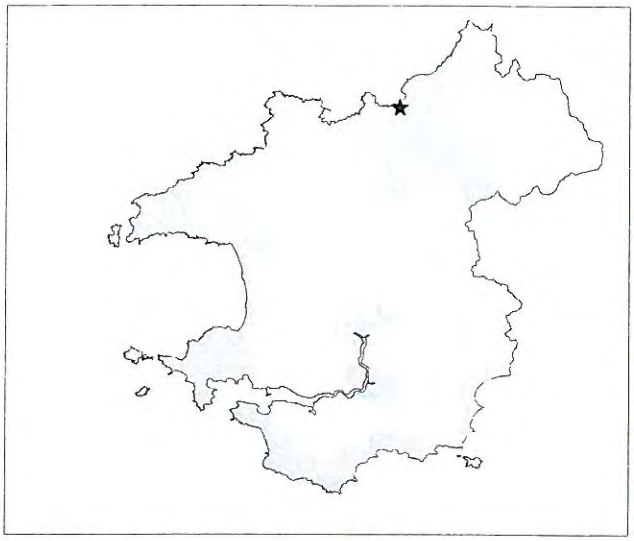
WHAT HAPPENS IF YOU DO NOT APPEAL

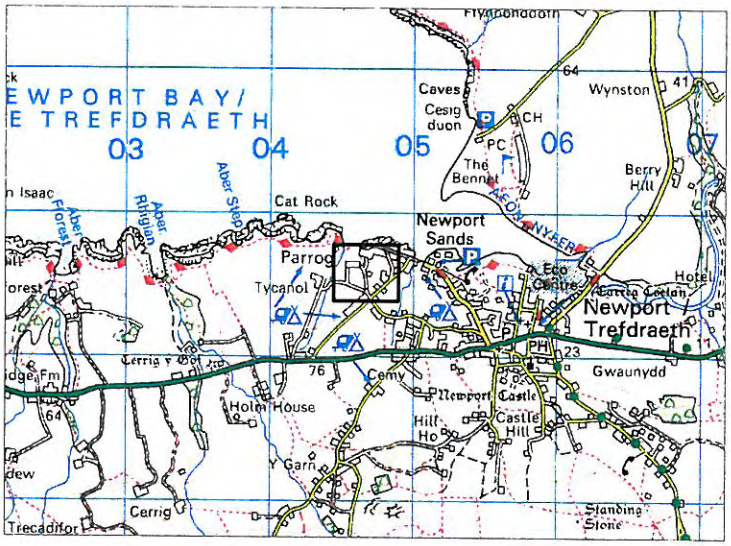
If you do not appeal against this Enforcement Notice, it will take effect on 6 July 2010 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Authority.

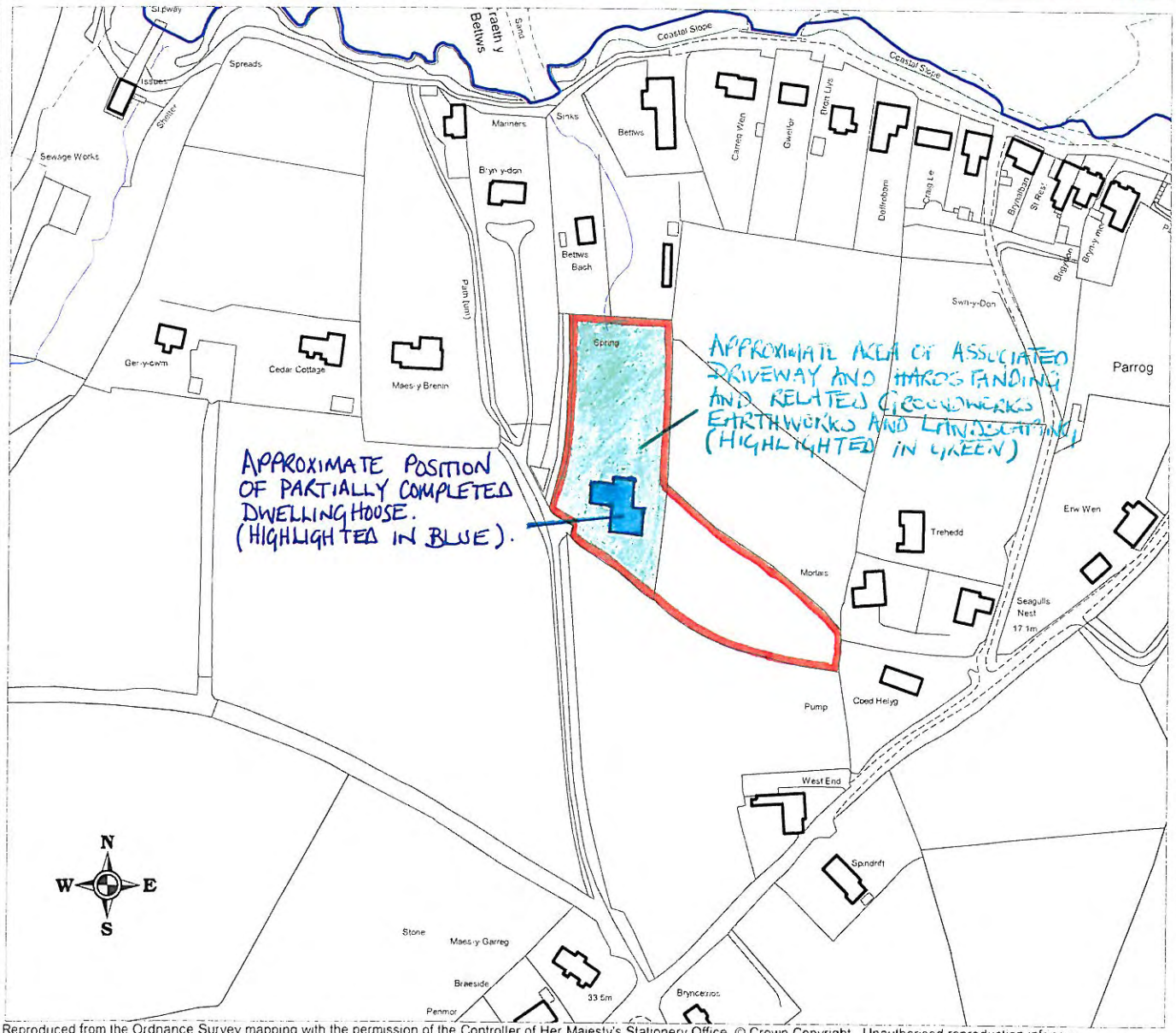
Plan referred to in Enforcement Notice ENF/08/10

Bettws Newydd, The Parrog, Newport, Pembrokeshire

Scale 1:2500







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