

ENFORCEMENT MATTERS

Case Reference No: EC23/0076

Site Address: Land to the south of Parc Yr Eglwys, Brynhenllan, Dinas Cross, Newport, Pembrokeshire SA42 0SH

Subject:

Non-compliance with Enforcement Notice EC23/0076 (dated 28th January 2025).

Background

1. In May 2023 the Authority received a complaint that a green field (approximately 1.45 acres) located within the open countryside had been stripped of its vegetation and turned into a mobile home park by the new landowners.
2. A site inspection confirmed the carrying out of operational development and a change of use of the land. A Planning Contravention Notice was subsequently issued and served in relation to the removal of hedgebanks/hedgerows, widening of the existing access, alterations to ground levels, construction of a track and the siting of a storage container.
3. A retrospective planning application (NP/24/0116/FUL) was subsequently received by this Authority which sought the retention of the hardstanding area, siting of storage container and additional landscape works. This application was refused under delegated powers on 13th May 2024.
4. As no voluntary steps were taken to remedy the breach of planning control and no appeal made against the refusal of planning permission, the Authority considered it expedient to issue and serve an Enforcement Notice as the development and use of the land resulted in an unnecessary incursion into the rural countryside which causes a significant visual intrusion to the detriment of the special qualities of the National Park. The development was therefore considered to be contrary to policies 1 (National Park Purpose and Duty), 7 (Countryside), 8 (special Qualities), 11 (National Protected Sites and Species), 14 (Conservation of the Pembrokeshire Coast National Park), 29 (sustainable Design), 30 (Amenity) and 43 (Employment Sites and Live/Work Units) of the LDP2 and the Authority's Supplementary Planning Guidance document on Landscape Character.
5. The Enforcement Notice was issued and served on 28th January 2025. The Notice required the following steps to be taken within three months of the Enforcement Notice taking effect:
 - (i) Permanently cease any non-agricultural use of the land
 - (ii) Permanently remove the storage container from the land
 - (iii) Remove the hardstanding, track and turning area and remove all resultant material arising from the land

- (iv) Restore the land to its former condition before the breach took place.
6. In February 2025, the landowner lodged an appeal against the Enforcement Notice to PEDW (Planning & Environment Decisions Wales) under section 174(2) (g) of the Town and Country Planning Act 1990 (as amended) on the grounds that period for compliance was too short. The appeal was dismissed on 4th June 2025 and the Enforcement Notice therefore took effect on the date of the appeal decision.
 7. A further planning application (NP/25/0348/FUL) seeking permission for a small-scale seasonal campsite on the land was received in June 2025. This application was subsequently refused on 3rd October 2025.
 8. Following the refusal of planning permission, officers wrote to the applicant/landowner on 15th October 2025 confirming that the Enforcement Notice remained in effect. Although the period for complying with the Notice took effect on 4th June 2025 (the date of the appeal decision) an extended period to comply with the Notice was allowed until 3rd January 2026 following the refusal of the planning permission on 3rd October 2025. The landowner was reminded that failure to comply with an Enforcement Notice which has taken effect, is a criminal offence under section 179 of the Town and Country Planning Act 1990 (as amended) and open to prosecution in the magistrates' court.
 9. A site inspection undertaken by officers on 6th January 2026 confirmed that the steps required by the Enforcement Notice had not been complied with and that the breach of planning control continued.
 10. Officers subsequently wrote to the landowner advising that due to the continued non-compliance of the Enforcement Notice, the matter would be reported to this Authority's Development Management Committee with a recommendation for authorisation to be given to commence prosecution proceedings.
 11. On 21st January 2026, correspondence was received from the landowner's agent advising that a further planning application (NP/26/0036/FUL) had been submitted seeking to regularise the development and that this latest submission included the removal of some of the items listed in the Enforcement Notice. This application remains undetermined at the time of writing this report. The application does not address all of the aspects of the Enforcement Notice, notably the removal of the storage container. A verbal update on the status of the application (which is due for determination prior to the Development Management Committee) will be given at the meeting.

Planning History

- NP/24/0116/FUL – Retrospective application for hard standing area, siting of a storage container, and additional landscaping works. Refused 13th May 2024
- NP/25/0348/FUL – Small scale seasonal campsite. Refused 3rd October 2025

- NP/26/0036/FUL – Small scale seasonal campsite. Not yet determined.

Current position

12. The Enforcement Notice has not been complied with. The compliance period has expired and the required steps have not been undertaken. The unauthorised operational development and mixed use of the land therefore remain in breach of planning control.
13. The landowner has had multiple opportunities to regularise the development through both retrospective applications and an appeal against the Enforcement Notice. Those processes have not resulted in permission being granted nor compliance being achieved. A further application has now been received (NP/26/0036/FUL) for a small-scale seasonal camp site which has yet to be determined by this Authority as it is still in the consultation process, but is due for determination prior to the Development Management Committee. The application does not address all elements of the Enforcement Notice, specifically the storage container.
14. Whilst in England there are powers under section 70A of the Town and Country Planning Act 1990 (as amended) for a local planning authority to refuse to determine more than one application which is similar in nature on a site, in Wales these powers only apply if within a period of two years ending with the date on which the application the Welsh Ministers have refused a similar application made to them, or have dismissed an appeal against the refusal of a similar application.
15. The continued failure to comply with the Enforcement Notice undermines the integrity of the planning system and public confidence in its proper operation. It also results in an unnecessary incursion into the rural countryside which causes a significant visual intrusion to the detriment of the special qualities of the National Park. Officers therefore consider it expedient and in the public interest to pursue prosecution proceedings should the breach remain unresolved.

RECOMMENDATION

It is therefore recommended that delegated authority be authorised to instruct solicitors, to commence prosecution proceedings in the magistrates' court under section 179(2) of the Town and Country Planning Act 1990 (as amended) for failure to comply with the steps required to be taken by the Enforcement Notice EC23/0076 after the end of the period for compliance, in the event that the current application NP/26/0036/FUL is refused or withdrawn and the breach of planning control remains unresolved.