

SPSO decision report

Case: 201005048, Argyll and Bute Council
Sector: local government
Subject: unauthorised developments: calls for enforcement action/stop and discontinuation notices
Outcome: some upheld, recommendations

Summary

Mr C was unhappy about the way the council dealt with planning issues in connection with a neighbouring property and access rights to Mr C's own property. In particular, Mr C was concerned that a breach of a planning condition had been ongoing for a number of years.

During our investigation we confirmed that, as Mr C's concerns about access rights had been the subject of court action, we could not become involved in that. On his other complaints, we found that, although the council had considered and decided against formal enforcement action on the planning condition, there had been periods where no active monitoring of the site had taken place and we upheld that element of Mr C's complaint. We did not, however, find evidence that the council were treating the neighbouring site more favourably than they were Mr C.

Recommendations

We recommended that the council:

- apologise to Mr C for the failings identified; and
- ensure that the open enforcement cases continue to be proactively monitored and without breaching confidentiality, keep Mr C advised of progress.