

**Case:** 200904203, East Ayrshire Council  
**Sector:** local government  
**Subject:** building standards  
**Outcome:** not upheld, no recommendations

### Summary

Mr A complained that the council had failed to take reasonable action to ensure that a developer provided proper drainage for a housing development to the rear of his property.

Mr A had first complained to the council in 2007 about his property receiving water run-off from the housing development. He stated that his back garden and driveway were often unusable because of water coming down and that proper drainage had not been installed during the construction of the homes on the development.

After completing the council's complaints process, Mr A complained to the Ombudsman in 2011. He said that the water limited the use of his garden and created a constant hazard, particularly in winter. He wanted the council to accept responsibility for the problem, and to install a drain along the rear of his property.

We found that there was no issue of non-compliance in relation to the planning permission. Problems with drainage had been identified and the site had passed drainage tests at inspection and received a Certificate of Completion in July 2006. The council did not use its power as roads authority to take action against property owners adjacent to the road in relation to the water run-off, and we found this position to be reasonable.

Finally, the council had installed drainage in properties next to the complainant's (acting as landlord since they were the owners of these properties). The council had offered to connect this drainage to Mr A's development, but stipulated that this would have to be at his own cost. We found this position to be reasonable, and as a result, did not uphold any aspect of the complaint.