

SPSO decision report

Case: 201100152, The City of Edinburgh Council
Sector: local government
Subject: unauthorised developments: calls for enforcement action/stop and discontinuation notices
Outcome: not upheld, no recommendations

Summary

Two separate neighbours of Mr C developed areas of public amenity adjoining his property without planning permission. The council served enforcement notices for the removal of this development. The neighbours complied with some parts of the enforcement notices but not others. Mr C raised this with the council.

The council advised that they had considered the situation but decided that the breaches of planning control that the enforcement notices had been intended to target had been satisfactorily resolved and, therefore, would not take further action. Mr C was dissatisfied with this decision and complained to the council who advised that the pursuit of enforcement action is a discretionary decision of the council and they were satisfied it had been properly arrived at. Mr C was dissatisfied with this response and raised his complaint with this office.

We decided that, as the decision to take enforcement action is at the discretion of the council, and they had advised Mr C why they had decided not to take action in this case, there was no evidence of the maladministration or service failure that Mr C had alleged and we did not uphold the complaint.