

SPSO decision report

Case: 201104525, East Lothian Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, action taken by body to remedy, recommendations

Summary

Mr C complained about information provided to him about planning permission in 2000 and 2007/8, lack of information sharing between the planning and building control departments, and the handling of his enquiries about these matters in 2010.

Our investigation, which included taking independent advice from a planning adviser, found that the information provided by the planning and building control departments had been accurate and complete and was not misleading. It had been made clear to Mr C and the architect who had acted as his agent that the grant of planning permission did not negate the need to apply for a building warrant and vice versa. We also found that the level of information sharing and co-operation between the two departments was similar to that in most if not all councils in Scotland. This also complied with the guidance offered by the Scottish Government via the Building Standards Division - Procedural Handbook. We did not uphold these complaints.

We did, however, uphold Mr C's complaint about delay. We found that there were delays in dealing with his queries when he came to sell his property in 2009-10. Mr C had to apply for a letter of comfort (a letter that confirms that any work done on a property without planning permission and/or a building warrant has been done to an acceptable standard). The council admitted that due to staffing difficulties in 2010 there were unacceptable delays in the processing and issuing such letters. They apologised to Mr C for this in their response to his complaint in January 2012, and took action to ensure that the situation was not repeated. They are also currently reviewing their systems in preparation for the implementation of the Building Standards Framework developed by the Scottish Government and due to be implemented in October 2012.

Recommendations

We recommended that the council:

- provide us with an update on the preparation for and implementation of the Building Standards Framework.