

## SPSO decision report

**Case:** 201104974, Fife Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** upheld, recommendations

### Summary

In 2008, Ms C wanted to create a driveway into her property. She asked the council for advice, and they wrote to her with this saying that planning permission was not needed. They outlined the circumstances in which it would be needed and who she should contact should she wish to have the kerb dropped. Based on that advice Ms C created the driveway. More than two and a half years later the council contacted her to say that they wanted her to either purchase a piece of land at the edge of the road (which they owned and which she had used in creating the driveway) or re-instate it. Ms C complained to the council but remained dissatisfied with their response and complained to us.

We found that in 2008 the council had not explained to her that they had responded in their role as planning authority, and that she also needed to get the consent of the council in a different role as owner of the piece of land. We upheld Ms C's complaints.

### Recommendations

We recommended that the council:

- apologise to Ms C; and
- consider waiving their administration charges for any sale of the land.