

SPSO decision report

Case: 201004300, Fife Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained about a number of issues relating to the development of a car wash and snack bar site next to his home and what he considered the council's failure to take effective enforcement action against the site operators. He also raised a complaint about a planning application he had submitted for his own property. As Mr C had not raised the complaints about his own planning application with the council, we were unable to investigate them at this time.

We were able to consider Mr C's complaints about the council's failure to take effective enforcement action. We found that it was clear that the developer of the neighbouring site was operating a car wash and snack bar without planning consent and that this use was not authorised in planning terms. However, on consideration of the evidence it became clear that the council were working actively to ensure that the developer applied for the appropriate consents for the business.

Whilst Mr C wanted the council to take immediate enforcement action, Government guidance explains that enforcement action should only be taken proportionately and when it is clear that the matter cannot be resolved through negotiation.

As we did not find evidence that the council had failed to consider these matters appropriately, we did not uphold Mr C's complaints.