

SPSO decision report

Case: 201102970, South Lanarkshire Council

Sector: local government

Subject: policy/administration

Outcome: not upheld, no recommendations

Summary

Mr C bought a house in a small rural development of five houses. The property company that built the development used part of an adjoining field to store containers and building equipment. After the last of the residents moved in (in autumn 2009) they pursued with the council the unsightliness of the storage area. The council served an enforcement notice giving the company the minimum 28 days to stop using the site as a builders' yard and to remove all containers, building materials, plant and machinery.

The company appealed to Scottish Ministers. They dismissed the appeal but gave the company six months to comply. That period ended in December 2010. The council continued to pursue with the company the removal of remaining items. Mr C took his complaint back to the council and by the summer of 2011 the last of the items had been removed. Against that background, the Procurator Fiscal indicated that he would take no action against the company. As the council had continued to pursue the matter throughout the period to a successful conclusion, our investigation did not uphold Mr C's complaint that the council failed to ensure that the site was cleared to an agreed level in a timely manner.