

**Case:** 201101555, The Moray Council  
**Sector:** local government  
**Subject:** building warrants: certificates of completion/habitation  
**Outcome:** some upheld, recommendations

### Summary

Mr C obtained a building warrant for a new double garage and bed and breakfast accommodation. Around 18 months later he found that the building warrant was based on the council's approval of plans for an earlier, incorrect foundation slab.

When trying to resolve matters, Mr C experienced delays. He complained that the council made further administrative errors and provided conflicting information as he tried to proceed with his development.

The council accepted and apologised that they stamped the wrong plans for the development. This error resulted in a building warrant being based on drawings that were different to the work that would be carried out. To resolve this, the council suggested that Mr C resubmit the correct plans as part of a forthcoming amendment of warrant application. We found that this was a simple administrative error, but felt that the council's proposed solution contributed to Mr C's problems with progressing the work. Had the stamping mistake been dealt with separately from the amendment application, he would have been able to progress with construction.

We found no evidence to confirm Mr C's assertion that the council lost plans for his building warrant application. However, we found that they made administrative mistakes on two occasions when providing stamped copies of plans for the building warrant's approval.

Mr C also complained that the council were responsible for unacceptable delays when dealing with his application for amendments to his plans. We did not find this to be the case. We were satisfied that delays were caused by the time taken to verify the appropriateness of an infiltration system Mr C had installed. We found that they had correctly followed their procedures in doing so.

Mr C sought to amend his plans so that a link door between his existing property and the new bed and breakfast accommodation was sealed. He complained that the council provided conflicting information to him and his architect about the feasibility of sealing the link door. We were unable to establish what information had been provided verbally, but were satisfied that the written advice the council gave to Mr C's architect was reasonable and in line with national guidance.

### **Recommendation**

We recommended that the council:

- refund all fees associated with amendments and extensions to Mr C's building warrant.