

## SPSO decision report

**Case:** 201204604, The Highland Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained about the council's handling of planning consents for a site next to his property. Four different consents were approved, including permission for the developer to have a static caravan on the site during construction work. However, the developer kept a caravan on site, in the wrong location, without carrying out any of the approved work. Mr C complained that the council failed to use their enforcement powers to have the caravan removed. He also complained that the council deliberately delayed in responding to his correspondence.

We took independent advice from one of our planning advisers, who explained that enforcement action cannot be taken about planning conditions until such time as the relevant consent is implemented by work starting on the site. As no work had started, it was questionable whether there were any grounds to take enforcement action. Despite this, the council served an enforcement notice requiring removal of the caravan by September 2015. Mr C was dissatisfied with this, as the original consent required the caravan to be removed by December 2012. However, as the caravan was allowed on site during construction, and the developer had until September 2015 to commence construction work (which is when the consent expires), we were satisfied that the council had reached a fair and reasoned decision. We were also satisfied that the council responded to Mr C's correspondence in reasonable time.