

SPSO decision report

Case: 201301935, Perth and Kinross Council
Sector: local government
Subject: unauthorised developments: calls for enforcement action/stop and discontinuation notices
Outcome: not upheld, recommendations

Summary

Mr C obtained planning permission to build a house and garage. After construction work began, a neighbouring property owner complained, and the council's planning enforcement officer made a site visit. The officer considered that there was a breach of one of the conditions of the planning consent, which required landscaping plans to be submitted before work started on the site. He also found that the building was not being constructed in accordance with the approved plans, potentially leading to an unacceptable increase in the overall height of the finished building. He advised the builders to cease work, then issued a temporary stop notice requiring all work to stop pending submission and approval of the required landscaping plans. The plans were later submitted and approved, and work recommenced, but Mr C encountered further delays when he was told that he would need approval from the Scottish Environment Protection Agency (SEPA) for his proposed drainage system. Mr C complained that the council were heavy-handed in their approach to planning enforcement and did not work with him to resolve the problems on site.

We found that the council did not take formal enforcement action against Mr C's development. However, they did take reasonable steps to halt work on site to ensure that an acceptable building was being constructed. Although we were satisfied with their approach to planning enforcement, we were critical of their communication with Mr C. We found no evidence to suggest they consulted with him to check that parties were working to the correct set of plans. We also found that the council raised enforcement issues in a piecemeal fashion rather than providing Mr C with a comprehensive assessment of the development against what they considered acceptable. Finally, we found evidence of inadequate communication between the council's planning and building control services. Although we did not uphold Mr C's complaint, we made two recommendations.

Recommendations

We recommended that the council:

- conduct a review of their handling of Mr C's project with a view to identifying ways of improving communication between planning and building control and with applicants; and
- consider providing information regarding the need to consult with SEPA on planning decisions relating to developments using septic tanks and soakaways (gravel-filled channels or pits that help manage surface water).