

## SPSO decision report

**Case:** 201301964, North Lanarkshire Council  
**Sector:** local government  
**Subject:** unauthorised developments: calls for enforcement action/stop and discontinuation notices  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained that the council had not taken appropriate action to address a number of concerns he had about a neighbouring development. He said that the boundary fence was unsafe because a large number of nails protruded from it into his property and that there were excavations beside the fence that the developer had not completely filled in. He also complained that the developer failed to properly connect drains to the drainage system of the neighbouring private road.

The council had explained to Mr C that their planning department were satisfied that the fence complied with the approved plans and that the finish of the fence was a private legal matter. They also said that the drainage problem was a matter between residents and the developer, as the road was private.

We fully considered the information from the council and Mr C, and agreed that the issues Mr C raised were essentially private legal matters. We were satisfied that the council's planning and building control team had taken appropriate steps to try and address his concerns, and as we found no evidence of administrative failure in the way the council dealt with this, we did not uphold the complaint.