

SPSO decision report

Case: 201302161, Aberdeenshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: upheld, recommendations

Summary

Mr C lives in a small estate. When the council granted planning consent for the development they approved landscaping plans, and put in place a planning condition to control the date of completion of the landscaping and the replacement of diseased or damaged plants. They did not, however, include any provision for a scheme of maintenance.

Mr C told us that some of the open space next to his home had not been landscaped, and he was concerned that other parts of the estate appeared to be getting a more frequent grass cut and related maintenance. He complained that the council failed to take reasonable action to ensure that landscaping in the housing development was in accordance with approved plans.

We took independent advice from one of our planning advisers, and we upheld the complaint. The adviser said that while one approved drawing had included a landscape maintenance schedule, this had not been included in any of the relevant consents and this had given rise to Mr C's complaint. Mr C wanted the council to take enforcement action, but this was not possible.

Recommendations

We recommended that the council:

- review their use of planning conditions with regard to securing control over the management arrangements for long term maintenance of landscaping and open space; and
- ensure that all application documents on which such matters depend are captured by references to approved documents in the terms of the decision.