

SPSO decision report

Case: 201302526, The Moray Council
Sector: local government
Subject: conservation areas, listed buildings, tree preservation orders
Outcome: not upheld, no recommendations

Summary

Mr C complained to the council's planning enforcement team about tree pruning that had taken place at a property in the conservation area where he lives. The council contacted the person who had had the trees pruned, who then took steps to mitigate this. The council decided that this was satisfactory, and took no further action. Mr C was unhappy as he thought that the council should have taken enforcement action.

We took advice from one of our planning advisers who said that the council's actions in responding to this matter were reasonable. He also said that in a conservation area, while there is a presumption in favour of preserving trees, they are not automatically protected. As we found no evidence of maladministration or service failure by the council, we did not uphold the complaint.