

## SPSO decision report

**Case:** 201407501, Aberdeenshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, a member of the Scottish Parliament, complained on behalf of Mr A about what he considered to be unauthorised planning development on a site close to his home. Mr A had previously owned the site and still held two planning permissions with regard to it. There was a dispute about ownership of parts of the site.

Mr A believed that the council failed to take appropriate and necessary enforcement action, and that they went on to approve six planning applications in relation to the site. He said that the applications were not properly assessed prior to approval, and that the environmental health department did not make reasonable objection. Because of the works, Mr A said that his water supply had been disrupted and that the council failed to take reasonable steps to prevent this. He was further aggrieved because he had been issued with a planning contravention notice in relation to the site.

We took independent advice from a planner and we found that, despite Mr A's concerns, there was evidence to show that the council had followed correct procedures. We also found that the question of whether enforcement action was taken was at the discretion of the council, and any action was required to be proportionate. We found that the six applications had been properly considered and that, although three of them were retrospective, this was all in terms of the appropriate planning legislation. The applications had been properly assessed and commented upon by the environmental health department. Furthermore, there was no evidence to suggest that Mr A's water supply had been detrimentally affected, and he had been given appropriate advice in the event that this should happen. It was clear that it had been fully explained to him why he had received a planning contravention notice and why the required information was necessary.