

SPSO decision report

Case: 201501727, Perth and Kinross Council
Sector: local government
Subject: unauthorised developments: enforcement action/stop and discontinuation notices
Outcome: some upheld, recommendations

Summary

Mr C complained to the council that, contrary to the terms of a planning consent, they had allowed an existing road to be 'grubbed out' before a new road was laid. He said that they failed to take enforcement action on this breach of consent and that they failed to take reasonable steps when he reported safety concerns about the new road access.

We took independent advice from a chartered town planner and we found that when Mr C complained about the old road being removed, the council acted on his concerns and made two site visits. The council determined that the new road was acceptable in safety terms and, on this basis, declined to take enforcement action. This was a discretionary decision that they were entitled to take, so we did not uphold this part of Mr C's complaint. However, although the council looked into Mr C's concerns about the new road access, they failed to give him a reasonable explanation as to why they did not intend to act on them. Because of this, we upheld this part of Mr C's complaint.

Recommendations

We recommended that the council:

- provide an appropriate apology; and
- ensure that the terms of our decision are brought to the attention of those members of staff in the roads and planning department who were involved in the planning applications concerned.