

SPSO decision report

Case: 201508203, Falkirk Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council was allowing his neighbour, who had applied for planning permission and built a garage in his garden ground, to use the garage as residential accommodation. He complained that they should not allow his neighbour to do so and also that the building did not meet the required building standards.

In responding to the complaint, the council had explained that although his neighbour had planning consent for a domestic garage, it was for his neighbour to decide how to use the building providing it was not a separate residential unit and its use was incidental to the existing use of the main house. They also confirmed that the neighbour had submitted a building warrant application, with supporting plans, and the building had been inspected by building control officers and a completion certificate issued.

We were satisfied that the council were correct in that the use of the garage as overspill accommodation for family and friends was incidental to the existing dwelling house and was, therefore, a permitted use under the existing planning consent. We were also satisfied that the council did ensure that the correct process was followed in ensuring that the current building standards were met. As we did not find evidence of administrative or service failure in the way these matters were dealt with, we did not uphold Mr C's complaint.