

SPSO decision report

Case: 201508576, East Dunbartonshire Council
Sector: local government
Subject: unauthorised developments: enforcement action/stop and discontinuation notices
Outcome: upheld, recommendations

Summary

Mr C raised a number of concerns relating to the planning consent for the erection of houses on a site close to his home. In particular, he complained that the council had failed to take action against the developer to ensure improvements to the state of the pathway constructed by the developer and to the area of pipework discharging into the burn. Mr C also raised concerns that the pathway had been constructed in a different location to that on the approved plans and was unlit. The location of the pathway and the requirement that it be lit was detailed in a condition attached to the planning consent.

We took independent planning advice. We found that the action taken to amend the location of the path and to decide that the path should not be lit was likely to be contrary to sections 42 and/or 64 of the Town and Country Planning (Scotland) Act 1997. We were also concerned that the council had failed to keep Mr C updated on progress at the site and that they had failed to address his concerns about the location of the path. We therefore upheld Mr C's complaint.

Recommendations

We recommended that the council:

- apologise for their handling of this matter, in particular the failure to address the issue about the location and lighting of the path; and
- in light of the adviser's comments about the likely breach of sections 42 and/or 64 of the Town and Country Planning (Scotland) Act 1997, seek to regularise the situation, ensure compliance with the Act and report back on action taken.