

## SPSO decision report

**Case:** 201508624, Scottish Borders Council  
**Sector:** local government  
**Subject:** conservation areas, listed buildings, tree preservation orders  
**Outcome:** upheld, recommendations

### Summary

Ms C complained to us about the council's handling of an application made by a neighbour for consent to carry out works to trees on Ms C's property which were subject to a tree preservation order (TPO). In particular, Ms C complained that the council failed to carry out a proper assessment of the trees, failed to ensure the trees in question were identified in the permission given by the council and failed to ensure the application for consent met the requirements of the TPO.

We took independent advice from a planning adviser. While we were satisfied that in considering the request for permission to carry out work to trees on Ms C's property that were overhanging the neighbouring property the council acted in line with legislation, we were concerned about the adequacy of record-keeping and the lack of a publicly available register of applications submitted.

We were also concerned that the council had failed to refer to the works approved in the decision to the application and that they had failed to ensure the applicant had provided a plan or map sufficient to identify the trees on which permission to work was being sought. We therefore upheld Mrs C's complaint.

### Recommendations

We recommended that the council:

- provide this office with details of the action taken to introduce a formal register in line with planning regulations;
- apologise to Ms C for the lack of detail contained within their decision in this case; and
- advise this office in respect of the adviser's comments on the need for a plan/map sufficient to identify the trees on which permission is being sought to accompany an application for consent under TPOs.