

SPSO decision report

Case: 201609335, Fife Council
Sector: local government
Subject: unauthorised developments: enforcement action/stop and discontinuation notices
Decision: not upheld, no recommendations

Summary

Mr C complained that the council had failed to take enforcement action when a property built on the same development as his property was not in compliance with the planning permission which had been granted, in that it did not provide a reasonable turning area for the development. The council responded to Mr C's complaint and said that the turning area had been assessed since the development had been completed and was determined to be suitable for purpose, despite the fact that it does not fully reflect what was shown on the plans. The council said that the turning area is suitable as it is wider than was originally provided for in the layout plans. Mr C was unhappy with the council's response and he brought his complaint to us.

We took independent advice from a planning adviser. We found that the council's approach to considering a turning area when granting the planning permission was reasonable and correct. We also found that, with regards to enforcement action, this is a discretionary matter for the council. We concluded that the council had reasonably investigated and assessed Mr C's complaints about the suitability of the turning area. We did not uphold Mr C's complaint.