

## SPSO decision report

**Case:** 201103353, The Highland Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** not upheld, action taken by body to remedy, no recommendations

### Summary

Mrs C's neighbour installed a static caravan in their garden, next to her property. Planning consent was not obtained for this although the council told Mrs C that this was required under certain circumstances. The caravan was, at times, used for residential purposes, which would have required planning permission. However, although the owner submitted a retrospective planning application to the council, the use of the caravan then changed to office and storage space. This meant that planning permission was ultimately not required and the application was withdrawn. Mrs C complained that the caravan continued to be used as a residence, that a number of planning laws were not adhered to and that the council failed to take enforcement action.

We did not uphold these complaints. We were generally satisfied that the council took appropriate steps to determine whether the caravan was being used for residential purposes. When this was believed to be the case, they required the neighbour to apply for planning permission. However, they advised the neighbour that it was unlikely that permission would be granted and that residential use would have to cease. The neighbour withdrew their application and stated that the caravan would be used for office and storage space, which did not require planning permission. When concerns were raised about building control issues, we were again satisfied with the investigations carried out by the council and by their decision not to take enforcement action. We were also satisfied with the council's responses to Mrs C's enquiries.