

Case: 201005258, Scottish Borders Council
Sector: local government
Subject: unauthorised developments: calls for enforcement action/stop and discontinuation notices
Outcome: not upheld, no recommendations

Summary

Mr C complained to us about how the council have dealt with delay by a developer in forming a new access road and approving a landscaping scheme for a farm development.

The council refused an application by a developer for planning permission for the erection of new agricultural buildings, the repositioning of some existing agricultural buildings and the formation of a new farm access road. The developer appealed to the Directorate for Planning and Environmental Appeals (DPEA). The appeal was successful, and planning permission was granted subject to several conditions, a number of which related to the formation of a new access road and a landscaping scheme.

Although the new farm complex has been implemented and is now operational neither the new access road nor the landscaping scheme has been completed. Mr C complained that as a result of this, traffic and heavy lorries access the farm using the road which runs in front of a row of former farm cottages where he resides.

Our investigation found that the council are limited in any action they can take to ensure that the developer implements these conditions, because of limitations of the wording of the conditions imposed by the DPEA Reporter, which are ineffective. There was, therefore, no evidence of failings on the part of the council in relation to the matters complained about. However, we have brought our findings on the complaint to the attention of the DPEA, so that they may take account of this when framing conditions in future.