

**Case:** 201102686, Scottish Borders Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C is one of a group of neighbours in dispute with the council over the status of a road that serves both their properties and the site of a house recently granted planning consent. They said that the road and verge were not adopted by the council and that a road widening scheme that was required before construction of a new property could not be accommodated. They also said that the council have not addressed their concerns over road safety, that a turning area they consider is required to allow for refuse lorries etc is not adopted, and that, as owners, they would not consent to it becoming adopted.

The council confirmed that the road in question is recorded on their lists as being adopted and that this includes the verge. They have also responded to a private report obtained by the neighbours from a roads consultant which raised concerns about the road scheme. This report, along with the neighbours' concerns, was submitted to the planning committee when they considered the application. The council accepted they were mistaken in their view that the turning area was adopted but explained that, as this should have been adopted when neighbouring houses were being constructed, they would not take steps to adopt this area of road.

We considered the concerns raised by Mr C. We could not determine the issue of the adoption of the road or verge as this can only be determined in court. We found that the council had considered the safety concerns of neighbours, although we appreciated that the neighbours did not agree with the council's view. We also considered that the council could not stop the developer from proceeding with their development prior to satisfying the neighbours of the legal status of the road. As a result of this, we did not uphold the complaints.