

SPSO decision report

Case: 201306027, Perth and Kinross Council
Sector: local government
Subject: conservation areas, listed buildings, tree preservation orders
Outcome: not upheld, no recommendations

Summary

Mr C complained the council had failed to respond appropriately to his report of a collapsing building. He felt they had not acted quickly enough in response to the original report, which had left the public at risk. He also complained that too much time had been given to the owners of the property to resolve the problem and the council had failed to use their statutory powers appropriately. Mr C said that when the council had taken action and demolished the building, they had left the site in a dangerous condition, inappropriate for a conservation area. He said that the council had also not taken account of the conservation area status that protected the site, by seeking the appropriate consents, despite the 12 months from his first report to the actual demolition of the site. He also complained that part of his boundary wall was demolished unnecessarily.

Our investigation found the council had acted appropriately by giving the owners of the building a reasonable length of time to repair the problem, which would have avoided demolition in a conservation area. The building had continued to deteriorate and the council, acting on the advice of a structural engineer, had had no choice but to demolish the structure. Responsibility for the site remained with the owners and the council had gone beyond their statutory obligations in erecting flood defences. There was no evidence that the boundary wall had been unnecessarily demolished, as it had been taken down as part of making the site safe.