

SPSO decision report

Case: 201507891, Fife Council
Sector: local government
Subject: handling of application (complaints by applicants)
Decision: upheld, no recommendations

Summary

Mr C complained that the council failed to process his high hedge application reasonably.

Mr C applied for a high hedge notice under the High Hedge (Scotland) Act 2013. His application related to trees forming a hedge along his boundary with a neighbouring property. The council assessed the trees and advised Mr C that they would recommend reducing the hedge at a council committee meeting in approximately two months' time. In the interim, Mr C's neighbour carried out selective pruning. Subsequently, the council re-assessed the trees and decided that they did not have an adverse impact on Mr C's property. Therefore, they decided that no action was required.

Mr C raised concerns about the measurements taken in the case, delays in the handling of the case, and the decision to re-assess the trees. The council acknowledged that there were some failings in the case, including in the accuracy of some measurements, and recognised that a delay had occurred. However, the council considered the re-assessment of the trees was necessary, and that there was no further action they could take to address the trees.

After obtaining independent planning advice, we upheld Mr C's complaint. Regarding re-assessment of the trees, we considered it was not unreasonable for the council to re-assess. However, we did find that there was a delay in the council handling the case and that there were some inaccuracies in the measurements that were taken. On balance, we upheld Mr C's complaint. However, we found that the failings in the handling of the case had largely been identified by the council and we found that they had subsequently taken remedial action. As such, we did not consider that further action from the council was necessary and we did not make any recommendations.