

SPSO decision report



Case: 202411894, Fife Council
Sector: Local Government
Subject: Policy / administration
Decision: not upheld, no recommendations

Summary

C owns a holiday let in a conservation area. The adjacent, terraced property was demolished but not rebuilt, leaving an unsightly gap. The site is now for sale, causing uncertainty and delays. They complained that this had been allowed to happen, citing financial loss.

C advised that the council had failed to enforce the conditions of the Conservation Area Consent, as demolition had occurred without the required construction contracts being in place. They noted that there were no provisions to ensure effective communication, property protection, or insurance. They stated that the council's departments lacked coordination, noting that Building Standards had been present during demolition but had not alerted Planning and the demolition had not been stopped.

The council agreed that although the Planning Consent conditions had been met, the Conservation Conditions had not been met. They stated that the applicant was responsible for compliance with the conditions of the Conservation Area Consent. They acknowledged that they could have reminded the applicants and would provide training to planning officers. However, there was no statutory requirement to do so. They were now taking appropriate enforcement action as a breach had occurred. They advised they had fulfilled their statutory requirements in terms of communication and advertisement and that it was not within their remit to stipulate communication, protection or insurance between neighbours. They added that Building Standards do not have a remit to regulate compliance with planning conditions.

We took independent advice from a planning consultant. We found that it was the applicant's responsibility to comply with conservation conditions, as this was stated in bold on the Conservation Area Consent decision notice. We considered that it was not up to Building Standards to alert Planning to the demolition. Therefore, we did not uphold the complaint as we did not consider that maladministration had been demonstrated.