

11th March 2015

M Dawson

Complaint reference:

14 015 052

Complaint against:

South Tyneside Metropolitan Borough Council

Commentary on The Ombudsman's draft decision

Summary: This complaint is not upheld. In 2013 a developer resumed building a boat shed for which he had planning permission and had started building in 2001. Local residents complained but the Council found the developer could still build the shed. However, he had built it almost a metre wider than he should have done. There is no evidence of fault in the way the Council dealt with the breach of planning control and its decision not to take enforcement action. It kept residents informed throughout the process.

Comments on Summary.

- 1) Only the footings for a shed were prepared in 2001. They were not laid in accordance with the permission granted in 1996 and are about 1m wider than planned.
- 2) In spite of residents complaining immediately that it was being built too high as well as too wide the Principal Planning Officer insisted that it was being built to approved plans (meeting with residents in November 2013).
- 3) The Planning Manager conceded in February 2014 that the boat shed was not built to an approved plan. While it is possible to interpret his assessment as only a concession on the width, i.e. 1m too wide, it should be noted that he has not been able to supply any drawings that allow a shed of 15.5m at the road end.
- 4) The Head of Strategic Services in a letter 2nd May, apparently responding to the Residents Petition, said that the shed was built to approved plans apart from the width and concluded that the development as constructed is acceptable on its planning merits. It would not therefore be expedient for the Council to take enforcement action.
- 5) The quality of information supplied to residents was a bit suspect at times.

I still say that the Council has wrongly allowed a developer to build and keep a boat shed despite many public objections and in particular:

- It wrongly said the boat shed conformed with approved plans.
- It has not taken enforcement action the building of an unauthorised boat shed.
- There has been a lot of misinformation and virtually no public consultation.
- It took 12 months for the Council to admit the boat shed did not have planning permission