

SPSO decision summary

Case ref: 2010002777
Sector: local authority
Body: South Lanarkshire Council
Subject: handling of planning application (complaints by opponents)
Outcome: not upheld

Summary

Ms C complained about the Council's decision to agree to three retrospective planning applications by her neighbour. She said that when the Council decided on the application they disregarded her circumstances and failed to take account of their own policies and procedures. Ms C was concerned the applications were not considered together for their cumulative effect, which she felt clearly indicated that her neighbour's property was being developed for use as a business. She said detailed concerns about the effect of contaminated water and drainage were not dealt with. Ms C also felt that reports put to the committee by planners were flawed in that they did not reflect access problems, and said there had been no response from Network Rail (who were consulted on the proposals) when the real position was Network Rail had made no objection. After the Council granted the applications Ms C was also unhappy that she received no updates about monitoring of the site.

To assist us, we obtained advice from one of the Ombudsman's professional planning advisers about these. On the basis of the advice received we did not uphold Ms C's complaint and made no recommendations. Specifically we concluded that the council had appropriately determined each application on its merits. We noted that when considering the third application they did refer to the previous two and that the drainage policy referred to was more a matter for building control rather than the planning process. We also found that the access issues had been considered and that the error around Network Rail was not critical.

The Council had granted the applications subject to the developer meeting certain conditions. This was to ensure that the property remained in private use and should not be used for a business. They said they would rely on third party information and would monitor the site. They confirmed to us that there has been no evidence of unauthorised activity noted nor have they received

allegations of breach of consent since the application was granted. Ms C had not asked them to keep her up to date with these activities and so we did not uphold the complaint that they should have done so.

Recommendations

Not applicable

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