

Case: 201004601, North Lanarkshire Council
Sector: local government
Subject: planning; delay
Outcome: upheld, action taken by the body to remedy, no recommendations

Summary

Mr C complained that the council failed to properly deal with his planning application for an extension to his home. He said that the council lost documents and unnecessarily delayed their decision to grant planning consent. After consent was granted, Mr C raised his concerns with the council about the time the process had taken.

We reviewed the statutory framework within which this decision was made. This included:

- The Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008, and
- The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008

In addition we considered the supporting Scottish Government Planning Circulars, Circulars 4 and 7, North Lanarkshire Council's Scheme of Delegation and Policy HSG 12 'House Extensions' from North Lanarkshire Council's Southern Area Local Plan.

Our investigation found that consent was granted eight working days outwith the statutory two month period during which a planning authority should usually determine an application.

We found that although the council did not determine the application within two months this is not, in itself, maladministration. The law provides for such delays and gives the applicants an avenue of appeal. However, insofar as the council did delay the validation of the application by failing to ensure that the scanned plans were passed to the planning officer when first submitted, we upheld the complaint.

The council accepted that they caused the initial delay in this process and have apologised to Mr C for this. For this reason, and because they had demonstrated that they have put in place procedures to try and ensure that similar situations do not arise in the future, we had no further recommendations to make.