

## SPSO decision report

**Case:** 201100551, Aberdeenshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** some upheld, recommendations

### Summary

Mr C, who is a solicitor, complained on behalf of his clients about the way in which the council dealt with a neighbouring farmer's planning review application. He said that his clients were not given enough time to make their representations against the review, nor were their views, once made, taken into account. He also said that the review process was not adequately carried out nor were his clients' interests sufficiently protected. Finally, he complained that they were not told the outcome of the review which, in effect, deprived them of the right of appeal to the courts.

We investigated the complaint and obtained specialist planning advice. Our investigation found that most of the process was carried out in terms of the legislation, and we did not uphold three of the complaints. However, we found that although the council acted in accordance with the appropriate legislation with regard to notification they had not provided information on their website, as they said they had. On balance we decided to uphold the complaint about notification of the review. They also failed to officially tell Mr C's clients of the outcome of the review, which meant that his clients missed their opportunity to appeal, and we also upheld his complaint about this.

### Recommendations

We recommended that the council:

- ensure that information on their website concerning local reviews is made clear;
- demonstrate that processes have been put in place to prevent a recurrence of the situation; and
- apologise formally to Mr C's clients.
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