

SPSO decision report

Case: 201100945, Midlothian Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: not upheld, no recommendations

Summary

Mrs C complained about the way the council dealt with a retrospective planning application for work that she had carried out in her garden. In particular, she was concerned that the council alleged that trees had been felled without authorisation, destabilising the bank. She was concerned that these comments had affected her planning application and raised public feeling against her application.

We found that the council had only noted one instance of unauthorised felling, the previous year, and had discussed this with Mrs C at the time, when she had agreed to replanting. We found that it was reasonable for them to mention this in the planning report and that information later passed to a councillor, which Mrs C had complained about, was also simply noting the landscape officer's observations. As we took the view that the council had reported the matter accurately, and as the landscape officer's observations were reasonable, we did not uphold her complaint.