

## SPSO decision report

**Case:** 201101431, The Highland Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

In the early 1990's Mr and Mrs C converted rural steading buildings to provide two houses. These are across the road from the original farmhouse, which Mr and Mrs C also own. The land surrounding all three buildings is the property of a company, which employs agents to manage the land for them. The local plan for the area originally said that for planning purposes there should be a presumption against further development except for agricultural or family purposes, but planning policy later changed, as did the council's planning guidance.

In 2009, the company decided that they wanted to build houses on the land. After correspondence about what this might involve, pre-planning discussions and consultations, the managing agents withdrew an initial planning application. They applied instead for permission to build two single houses, one beside the steading and one beside the farmhouse. Council planning officers approved the application to build beside the steading, but refused the second application. It was, however, later approved with conditions, because the local planning review board overturned the officers' decision, despite objections from Mr and Mrs C and others.

Mr and Mrs C complained to us that the council failed to take local planning policies appropriately into account; adopted an inconsistent approach to the applications; kept inadequate records; and made misleading or inaccurate statements. We did not uphold any of their complaints, however, as our investigation did not find evidence that anything had gone wrong in taking these decisions. The planning policy background was complex, but we found that the council had taken all appropriate matters into consideration when amending their planning guidance and that planning officers were entitled to discuss the matters with the agents, and acted consistently when doing so. We also found that the complaint about inadequate records related to a temporary difference between the paper file and electronic information, and the allegation of misleading or inaccurate statements centred on a difference of view between Mr and Mrs C and the council about how to describe the number of houses on their property.