

SPSO decision report

Case: 201101721, The Highland Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr and Mrs C live in a house on a coastal strip below a site that contains two plots which received planning consent in 2005 (after a successful appeal to Scottish Ministers). A subsequent application was made in 2010 for full planning permission for an amended design on these plots. As part of the 2010 application the applicant provided an overlay comparing the earlier consent with the 2010 proposal.

Due to an error by the applicant's agent, first noted by a senior planning officer the day before a site visit, the case officer's report referred to the 2010 application as being at a lower height than the 2005 approval, although the finished floor levels were in fact about the same. The senior planning officer had requested an amended overlay from the developer, and this had been available to the planning committee the next day when they visited the site before deciding on the 2010 application. Mr and Mrs C made three complaints, two of which we upheld. We found that, had the error been uncovered earlier, then in the period leading up to the site visit an amended or supplementary report could have been provided (removing the references to the lower height of the 2010 proposals) and that a more appropriate methodology could have been used to demonstrate height levels at the site visit.

Recommendations

We recommended that the council:

- apologise to Mr and Mrs C for the defects identified in the way that they processed the 2010 application.