

SPSO decision report

Case: 201102036, North Lanarkshire Council
Sector: local government
Subject: policy / administration; handling of planning application
Outcome: upheld, action taken by body to remedy, recommendations

Summary

Mrs C raised her concern about the council's handling of a planning application for her housing development, which they approved in 2005. Her garden turned out to have a very steep slope and the rear fence was not sited where it should have been. There was, however, also a dispute, for safety reasons, between the developer and the council over whether the fence should be moved. Mrs C was unhappy that the council had not required the developer to submit plans showing contours or cross sections of the site at the outset. She said that, as a result, she had been left with a rear garden which was unmanageable and unusable. She was also unhappy that the council did not take enforcement action about the breach of planning control relating to the positioning of the fence.

We upheld both of Mrs C's complaints. We criticised the council for their handling of the application. Our planning adviser said that because of the sloping nature of the site, they would have expected the planning officer to obtain details of the proposed ground levels compared to original levels. The council's failure to do so meant that the usable garden area was smaller than shown on the plans. However, during our investigation, we found that the council had as a result of this complaint improved their working practices. They now obtain information about the 'before' and 'after' ground levels as standard practice before granting planning permission, so we made no recommendation. We also took the view that the council should have taken earlier action to follow up on the positioning of the fence.

Recommendations

We recommended that the council:

- apologise to the complainant for their handling of this matter.