

## SPSO decision report

**Case:** 201103335, South Ayrshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by applicants)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C submitted an application to erect a wind turbine. After he submitted the application, an airport objected on the basis that the wind turbine would create clutter on their radar displays. Mr C complained that the council did not give him reasonable advice before he submitted the application. He said that the airport told him that the council had a map of the areas where the airport would object to development. He said that the council had not told him of the likelihood of the application being rejected on this basis. He asked that the council refund his application fee.

Our investigation found that Mr C had not requested pre-application advice before submitting his application. There was no evidence that he had discussed the application with a planning officer. Although he had discussed the application with an administration assistant at the council before it was accepted as valid, this was about some further information that was required. We also found that the map used by the council was to assess whether a particular airport or similar body should be consulted about a planning application. The map should not be used to assess or pre-empt what any response to such a consultation might be.

We found that the council had acted reasonably in this case. We did not uphold the complaint and did not recommend that the council refund Mr C's application fee.