

## SPSO decision report

**Case:** 201104512, Angus Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained that the council failed to take action against a neighbour who had applied for planning permission for a house in a field beside Mr C's home. Mr C was concerned that the applicant described the land in an earlier application for planning permission in principle as 'agricultural' and in a recent application for approval of detailed permission as 'paddock'. Mr C was of the view that the applicant was untruthful on his application and land ownership certification. He also complained that the council did not refer the application to the appropriate committee and so it was decided by the head of planning under delegated powers.

We did not uphold Mr C's complaints. We reviewed the council's actions and determined that, although the land was described in two different ways, certification about agricultural use was not required as this was not a tenanted piece of land. In addition, as it was within the settlement boundary and not in open countryside, the use of land was not relevant to the application. In terms of the council's decision not to require the application to be considered at committee, their standing orders require this to be done where more than five objections are received to a planning application. However, they treat separate objections coming from the same household as one objection, which they are entitled to do. In this case as five objections were received from three households, we were of the view that the council's interpretation of this as a total of three objections was reasonable.