

SPSO decision report

Case: 201104865, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mrs A was unhappy with the council's handling of a planning application for an extension to a neighbouring property. Her daughter (Miss C) complained on her behalf that council planning officers had considered the application, under delegated powers. She said that the application should have been referred to a council committee as she understood that it related to land that was in council ownership. She also complained that the council had failed to consult with those neighbouring the site, and unreasonably allowed the extension to be built over a culvert (a drain or covered channel that allows water to flow under a road) in a flood risk area.

After taking independent advice from one of our planning advisers we did not uphold Miss C's complaints. We found no evidence that the council had acted unreasonably in approving the planning application under delegated powers. They had provided Miss C with documentation showing that they did not own any of the land to which the planning application referred. We were also satisfied that the council had carried out the neighbour notification process appropriately and had not needed to consult with some organisations that Miss C thought should have been involved. Finally, we noted that there was no presumption against development over culverts such as this one, and that the existence of the culvert had been fully taken into account during the planning process.