

Case: 201100927, Scottish Borders Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr and Mrs C reside within a B listed building which had been divided into four flats. They complained that the council failed to properly handle a number of planning applications submitted in relation to one of the flats within the listed building. In particular, they complained that the applicant had submitted what they regarded as a less contentious application followed immediately by a variation; that the council had accepted a report on the water supply which had been prepared by the applicant's agent and that the council unreasonably accepted plans which were inaccurate.

Our investigation found that the council had considered the points Mr and Mrs C had made in their letters of objection about the planning applications and that there was no evidence of fault on the part of the council in the processing of the applications. They had also acted reasonably in accepting a report prepared by the applicant's agent. It was normal practice for information to be submitted by a suitably qualified professional to provide 'independent' advice, notwithstanding that he/she was appointed by the applicant. Any report would be scrutinised by the council during consideration of the application. We also found that the accuracy of the plans had been considered during consideration of the application.

As we did not find evidence that the council had failed to follow the proper processes and procedures in their handling of the applications we did not uphold the complaints.