

SPSO decision report

Case: 201200472, Midlothian Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained about the way in which the council dealt with a request for approval of matters specified in the conditions of a planning permission. In particular, he said that the council had not informed members of the public about changes in planning guidance; had not given proper consideration to the objections he and his neighbours made; and failed to take account of access and turning arrangements in and to the site concerned.

We investigated the complaint and took into account all the information provided by Mr C and by the council (including the complaints file, complaints procedure and relevant policies). We also obtained independent planning advice and made further inquiries of the council.

We did not uphold Mr C's complaints. Our investigation confirmed that changes to the planning guidance concerned had taken place after a period of consultation, and met pre-agreed criteria. Although Mr C considered that further consultation should then have taken place, this was not a requirement of the planning legislation. Also, the documentation confirmed that the council had given due consideration to Mr C and his neighbours' representations but, still, decided to grant approval. They were also satisfied that the developer provided sufficient information to demonstrate that access onto and within the site was satisfactory. Although Mr C provided his own professional advice which demonstrated the contrary, this was not provided until after the application was decided.