

SPSO decision report

Case: 201201234, Dumfries and Galloway Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: upheld, recommendations

Summary

Mr C lives close to a holiday chalet park. The park was first granted planning consent in 1985 but various amendments were later granted. In July 2010 the operator submitted an application to the council for retrospective planning consent. This was granted in March 2011, subject to four conditions.

In October 2011, Mr C contacted the council's planning services, complaining that the park operator had delayed in complying with three of the four conditions and about an error in the other condition. Six months later, dissatisfied with the council's lack of action, Mr C tried to pursue a complaint through the council's corporate complaints procedure. He was dissatisfied with the handling of the complaint, and complained to us. At that time further matters of alleged unauthorised activity at the chalet park had arisen, but as Mr C had not pursued these with the council as a complaint, we could not look at those.

Our investigation upheld all three of Mr C's complaints, namely that there had been: unreasonable delay or failure to enforce planning conditions; a failure to adequately respond to Mr C's complaints and an unreasonable failure to investigate Mr C's subsequent complaints adequately. We upheld the last complaint because we found that Mr C's complaint to the council had not been dealt with. This was because the council had said that their corporate complaints procedures excluded matters about live planning applications, although this was not the case here.

Recommendations

We recommended that the council:

- reach a decision on the information received on a particular date from the agent;
- respond, without breaching confidentiality, to confirm the action they have taken with the owner in response to Mr C's reports of breaches of the planning conditions; and
- review the content of their enforcement charter and procedures on complaints to remove inconsistencies.