

SPSO decision report

Case: 201201981, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: some upheld, recommendations

Summary

In June 2011, Mr and Mrs C submitted a planning application to build a house in their garden. They complained that planning permission was refused although at the pre-advice stage, the council did not identify any concerns. Mr and Mrs C also said that an application in principle had been made in accordance with council officers' advice. After refusal, Mr and Mrs C asked for the decision to be reviewed but this was also refused. They complained, in general, about the way in which the council dealt with their applications.

During our investigation we obtained independent planning advice from one of our planning advisers, and considered the complaints and planning files. We upheld three of Mr and Mrs C's six complaints. Our investigation found that, throughout the process, Mr and Mrs C had the benefit of planning advice as they had engaged their own planning consultant to assist them with their application. Notwithstanding the advice they said they were given by the council, it was clear that the only way to determine an application was to submit it. Our investigation showed that there was no evidence to suggest that they had been encouraged to submit an application in principle. However, when the application came for validation, our planning adviser said that the council failed to deal with it in terms of the appropriate planning legislation. They also uploaded irrelevant information onto their planning website. However, at the review stage the council followed government guidance. When Mr and Mrs C were unhappy with the outcome and complained, we found the council failed to respond to their concerns in a reasonable manner.

Recommendations

We recommended that the council:

- formally apologise for their error in validating the application;
- reimburse fifty percent of costs as it appears doubtful, given that they did not require design details, that they would have gone on to require drainage information;
- apologise for their error; and
- formally apologise for their shortcomings in the way they handled the complaint.