

## SPSO decision report

**Case:** 201202177, Perth and Kinross Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, action taken by body to remedy, no recommendations

### Summary

A firm of solicitors complained on behalf of their client (Miss C) that the council had failed to carry out appropriate neighbour notification procedures connected with a planning application for a neighbouring property. As a result, the council had not identified that Miss C should have been notified about the application. The planning application related to a site which had received planning consent in 2008 for housing development and for which a further planning application had been submitted in 2011. Miss C had received neighbour notification in 2008 but not in 2011, although the application was advertised in the press.

Miss C was dissatisfied because the council did not uphold her complaint because there was no statutory requirement for them to notify her under the current regulations. However they also told her that she should still have received a notification, but did not because the planning officer failed to check that all such relevant notifications had been carried out.

Our investigation confirmed that there had been a change in the regulations since the 2008 application was before the council. The council's investigation found that the complaint of failure to act within the terms of the current planning regulations and guidance was not upheld, and we concluded, after taking independent planning advice, that this was a reasonable decision to arrive at. We did, however, find inconsistency in their decision not to uphold the complaint but still find that Miss C should have been notified. However, the council confirmed that the recommendations they made as a result of their investigation had been acted on, to ensure that their procedures for neighbour notification would in future be adhered to. We were satisfied with the action taken by the council to follow up on their investigation and did not consider that any further action was required.