

SPSO decision report

Case: 201202273, Aberdeenshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mrs C raised her concern about the council's handling of a planning application submitted by her neighbour to extend his property. In particular, she was unhappy that, following the submission of amended plans that included an area of decking, Mrs C was not renotified of these. She also complained about the handling of her representations.

After taking independent advice from one of our planning advisers we upheld the complaint that the council had failed to renotify Mrs C following the submission of the amended plans. As a result she was prevented from submitting her concerns about the amendments. We also found no evidence that the council had assessed the area of decking while processing the application. The council accepted that by mistake they had failed to notify Mrs C of the amended plans and that there was no evidence that the decking had been assessed. We did not uphold the complaint about her representations, as we found no evidence of fault in the council's handling of Mrs C's correspondence.

Recommendations

We recommended that the council:

- ensure that there are clear guidelines for the acceptance of amended plans to ensure that reiteration of neighbour notification, press advertising or other consultation or publicity is not overlooked;
- review their procedures on householder and delegated applications to ensure all material elements of a development are not overlooked during the processing of an application and are properly assessed before making any determination; and
- take steps to identify what action they can take using any available statutory powers or by negotiation to improve the current situation, and report back to the Ombudsman on the action they propose to take.