

SPSO decision report

Case: 201202339, Aberdeenshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mrs C was unhappy with the way in which the council handled her representations against a planning application, which she submitted after the cut-off date. She was dissatisfied that, after being told that late representations would be taken into account, hers were not considered by the committee that looked at the application.

During our investigation we found that while there was no statutory requirement to accept late representations, the council had, in an attempt to be helpful, circulated these to elected members. As the planning department had received Mrs C's representations after the committee agenda was circulated, it was decided not to copy these to the committee. However, staff had read them to confirm that they raised no new information or material issues that would significantly alter the assessment and recommendation in relation to the planning application. While the council accepted that there had been a breakdown in communication, for which they had apologised, our investigation found that they were not obliged to accept late representations. We also found no evidence that the committee failed to take account of all relevant material considerations before reaching their decision.

In addition, as a result of this case, the council stopped the practice of circulating late letters of objection against a planning application, and said that any late letters would instead be sent to the planning service for review.