

## SPSO decision report

**Case:** 201202740, The Highland Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** some upheld, recommendations

### Summary

Mr C, who is a solicitor, complained to us on behalf of his client (Mr A), about a planning application for an extension to an existing waste water treatment plant. Mr A lives close to the treatment plant, for which the council granted planning consent. He complained that the council failed to handle the application properly or effectively and had not taken steps to address his concerns or remedy defects that he had identified.

After taking independent advice from one of our planning advisers we did not uphold most of Mr C's complaints as we were satisfied that, based on the available evidence, the council had taken Mr A's objections into account when processing the application. We were also satisfied that there was no evidence of any fault in the handling of the application. However, we noted that the council had accepted that they failed to provide reasons for their decision to grant the application when they issued their decision notice, and had issued an amended notice attaching a copy of the planning report to explain the reasons for the decision. We were concerned that this meant that an interested party would have to read a number of pages to try to and elicit the specific reasons for the decision. We did not consider that this was a reasonable remedy to the original error in the decision notice, and upheld this complaint. As we were, however, generally satisfied that the council's revised procedures have addressed these failings, we made one recommendation to clarify the information on this decision.

### Recommendations

We recommended that the council:

- consider adding to the website a paragraph paraphrasing the handling report's arguments, to ensure clarity in this case.