

SPSO decision report

Case: 201203053, Scottish Borders Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: not upheld, no recommendations

Summary

Mr C was refused planning permission for an extension to his house and the erection of garages and a shed. He asked for a review of the decision, and this was carried out by the local review board at a site visit. The board decided to uphold the decision to refuse the planning permission. They said this was because the proposal did not comply with the local development plan. The decision notice explained that Mr C had a right of appeal to the Court of Session if he wished to question the decision. Mr C complained to us that there had been procedural fault at the local review board, and that there was delay and failure to handle his complaint in accordance with the council's complaints procedure.

During our investigation we found that some of Mr C's complaints had not been through the councils' complaints procedures. In others, we saw no evidence of fault in the council's handling of the matter. He had complained that the local review board failed to discuss relevant information about his development and were inconsistent in their decision to refuse his application, but we found that the council had investigated and responded to this complaint. In terms of his concerns about the decision, the council said that they considered these were matters for appeal to the Court of Session. We are unable to investigate where there is a right of appeal or recourse to the courts.

We found that there was no delay by the council in responding to Mr C's complaint, and that it was handled properly under the council's complaints procedure.