

SPSO decision report

Case: 201203264, Aberdeenshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr and Mrs C objected to planning applications for a wind farm near their home. They then complained to the council that the planning service had not given appropriate consideration to the potential resulting impact on their amenity (enjoyment of their property or surroundings) from the wind turbines. Mr and Mrs C expressed particular concerns relating to the land they use for recreational activities as part of their property.

The council explained that they had given appropriate consideration to protecting Mr and Mrs C's amenity and that the land in question, although owned by Mr and Mrs C, did not appear, on the balance of probability, to have a lawful use as domestic curtilage (the essential garden ground for the property).

We took independent advice from one of our planning advisers, who said that the actions taken by the council were in line with relevant guidance and that their response to Mr and Mrs C's concerns was reasonable. We also found that it was reasonable that the council did not consider Mr and Mrs C's land's use as amenity ground when considering a planning application for the wind farm.