

## SPSO decision report

**Case:** 201203497, Fife Council  
**Sector:** local government  
**Subject:** handling of application (complaints by applicants)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a developer, asked the council for pre-application planning advice about a proposed development. The council said that they considered the principle of the proposal acceptable and worthy of support. The letter also said, however, that only when a formal planning application was submitted could a full and thorough assessment of the proposal, including internal and external consultation and opportunity for neighbours and the public to comment.

Mr C submitted a formal application. The council then told him that they had a number of serious concerns about the proposal in relation to overdevelopment, design/ impact on a listed building, parking and other matters. They said that the new buildings on the site demonstrated very poor design both in terms of the buildings themselves and their relationship to the surrounding area. They also said that no listed building consent application had been submitted, despite requests for this. They said that they would be preparing a report recommending that the application be refused. Mr C complained to us that the council had provided unreasonable and contradictory advice about his proposed development between the pre-planning advice stage and his submission of the formal application.

After taking independent advice from a planning adviser, we made some minor criticisms of the pre-planning advice Mr C received from the council. In it, they had referred to the relevant policies, but not in their full terms. They should also have referred to the Fife Urban Design Guide, at least in general terms. That said, we found that these inadequacies, which the council accepted had occurred, were not fundamental flaws. We considered that overall, the pre-application advice was accurate as far as it went and generally satisfactory in its scope. The caveats the council had included in the pre-application advice were both acceptable and normal for this kind of situation. We did not consider that the matters the council raised when processing the application were unreasonable or contradictory to the pre-planning advice.