

SPSO decision report

Case: 201204782, Argyll and Bute Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Ms C was unhappy when the council granted planning permission for revised access arrangements from a private road. In doing so, they had taken account of part D of the Local Plan policy. They attached a binding condition to the consent - that visibility splays (an area clear of obstruction to allow drivers to see any traffic coming) were to be in place before any houses built could be occupied. Ms C complained that this could not be complied with as the access improvements could not be made because the applicant did not own the road, and it was too narrow. She said that the council were acting in breach of the policy because they did not resist the application.

When investigating this complaint, we took independent advice from one of our planning advisers. The council explained that the visibility splays were assessed against current policy and deemed appropriate, and that they considered the private road and access to be suitable for additional vehicular traffic. Council officers use their professional judgement on matters such as these. We noted that in making their decision it was for the council to judge how important each relevant point is. We cannot question a decision they are entitled to take, in the absence of evidence that something has gone wrong in the decision making process. The matter of who owned the road was not relevant to the consideration of the application.

We were satisfied that the council's processing of the application and the manner in which the access issues were considered was in line with procedure, and the council had clearly explained their position. We saw no evidence of procedural or administrative fault in the council's handling of the application.