

SPSO decision report

Case: 201204821, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

In January 2009, an inquiry reporter decided to uphold a council decision to refuse planning permission to build houses in a long established area of open space behind the homes of Mr and Mrs C and their neighbours. When, in March 2012, the council granted planning consent for residential development of the same site, Mr and Mrs C and their neighbours were unhappy and made nine detailed complaints to the council and then to us. Seven of these related to the report of handling of the later application that council officers presented to members of the council committee.

We upheld three of the seven complaints about the report of handling - in relation to failure to refer to a planning advice note and to fully address and consider the implications of the reporter's dismissal of the appeal on the first application. The other two complaints, which we also upheld, related to a lack of proper evaluation of the loss of open space that implementation of the proposals would entail and unreasonable delay by the council in investigating the complaints.

Recommendations

We recommended that the council:

- consider and set out a timetable for the preparation of an open space audit and strategy to comply with Scottish Planning Policy on Open Space and Physical Activity; and
- consider the preparation of internal guidance that reports of handling should assess all relevant aspects of planning history, particularly where a previous decision might be seen to be contradicted by the proposed recommendation; and clearly distinguish between the analysis of the provisions of the development plan in force and those of any emerging plans as material considerations.