

SPSO decision report

Case: 201300094, Aberdeenshire Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: not upheld, no recommendations

Summary

Mr C entered into pre-application discussions with the council with a view to building a house behind his property. About three months later, after receiving an email from an area planning officer, Mr C submitted an application for planning consent. This was the subject of a 'report of handling' which, in terms of the council's procedures, was put before local councillors who had the ability to refer the matter to a committee for a decision. The councillors did not refer the application, and it was left to council officers to determine the application under delegated powers. They refused the application. Mr C could then have asked for the matter to be placed before the local review board, but before requesting this he complained to the council about the decision. He said that the council planning officers did not provide reasonable advice at the pre-application stage, and that the council's report of handling was not reasonably fit for purpose.

We took independent advice from one of our planning advisers, who said that the pre-application advice given to Mr C was reasonable. The adviser also said that he was satisfied that the report of handling was reasonably fit for purpose. He noted that the council had admitted to one error but he agreed that this would not have altered the officers' recommendation for refusal or misled the councillors who might otherwise have called in the application to be decided by a committee.