

SPSO decision report

Case: 201300398, Perth and Kinross Council
Sector: local government
Subject: planning, pre-application advice, tree preservation orders
Outcome: not upheld, recommendations

Summary

Mr C complained about a number of issues relating to the council's handling of enquiries he had made to them about the prospect of developing a plot of land he had purchased. In particular, he was concerned that the council had released his private email address and information to a councillor and a third party. He also said that the planning officer he had spoken to had acted incorrectly in giving pre-application advice; the council had not acted in an open and transparent way during a phone call about a proposal to place a tree preservation order (TPO) on a tree on the land; and that their action in placing a TPO on the tree was unreasonable.

During our investigation we found no evidence to support Mr C's allegation that the council released his private email address or information to a councillor or third party. We were also satisfied that the planning officer acted correctly in relation to the advice offered. We did, however, take the view that it would have been helpful had the officer clarified that Mr C had the right to submit a planning application and obtain a formal decision from the planning authority.

There was no evidence to support Mr C's concern that a member of staff did not act in an open and transparent manner during a phone conversation about the TPO. We also found that members of the public had written to the council requesting that a TPO be placed on the tree, and that it was appropriate for the council to take the action they did in putting a TPO in place. We were also satisfied that the TPO request was considered under the council's evaluation criteria. However, we did find that some of the terminology used did not reflect current TPO regulations.

Recommendations

We recommended that the council:

- consider explaining in standard responses to pre-application enquiries that a definitive decision on any proposal could only be obtained by submitting a planning application to the authority; and
- ensure the terms used to describe the TPO process reflected the current TPO regulations.