

SPSO decision report

Case: 201300524, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, recommendations

Summary

Mr C complained that the council had not notified him of two separate planning applications (one from 2009, the other from 2012) for neighbouring properties. In their response to his complaint, the council explained that it had been the applicant's responsibility to notify neighbours for the 2009 application. However, by the time the second application was submitted, the duty to notify had moved from the applicant to the council.

In terms of the 2009 application, the council explained that they did not have a duty to 'look beyond' the applicant's self-certification, nor had there been anything in the paperwork that would reasonably have caused the planning officer to question things. In terms of 2012, the council explained that they had advertised the planning application in the local newspaper and that notice had been served on one of Mr C's tenants (who lived on a property on Mr C's land). Although the tenant passed the notification on to Mr C and he had been able to submit his objections, Mr C felt that, in both instances, the council had failed in their duty, and he was not happy with the way they had handled his complaint about this.

We took independent advice from one of our planning advisers. He reviewed the council's responses and confirmed that they had outlined the position correctly, and had taken the appropriate steps in 2012. As such, we did not uphold Mr C's complaint that the council had failed to notify him. Neither did we find that the council had handled his complaint inappropriately. Although they had taken longer than they would aim to in responding to Mr C's complaint, their responses had reasonably addressed his concerns, and they had contacted him to let him know that the matter was still ongoing.

Recommendations

We recommended that the council:

- confirm the changes made to their website and standard notification letter, as detailed in their stage 1 response.
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