

## SPSO decision report

**Case:** 201300814, Midlothian Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** upheld, no recommendations

### Summary

Mr C complained that the council had not notified him about a planning application for a neighbouring property. The adjoining property was being modified and Mr C explained that the first he knew of this was when building materials were delivered to his neighbour. Mr C was unhappy at not being notified as he said he would have objected to the application. Mr C complained to the council who acknowledged their error in not notifying him and apologised. Mr C also complained that his access rights (contained within his title deeds) had been restricted and that when the building work was done his property was damaged.

Our investigation found that the planning application had been submitted around the time that the responsibility for neighbour notification had transferred from the applicant to the council. In addition to accepting their error, the council explained to us that, as a result of Mr C's complaint, they had added two administrative steps to their process to prevent this from happening again. We upheld Mr C's complaint that the council had failed to notify him, but in view of what the council had already done to improve their process, we did not make any recommendations.

While we understood Mr C's concerns, we were unable to interpret his title deeds for him or to recommend that the council address the issue of damage. Although they failed to notify Mr C of the application, they had not actually done the building work, and our role was restricted to investigating the lack of notification.