

SPSO decision report

Case: 201301311, North Ayrshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C made three complaints about a wind turbine about which, because of its distance from his home, he had not received neighbour notification. The planning application was determined by council officers under delegated powers. Mr C complained that the council failed to require that a revised visual impact assessment was carried out (there had been an increase in the turbine height from a previously approved proposal); unreasonably granted planning consent despite the turbine height exceeding their own 60 metre guideline; and failed to take into account the impact of the development on properties between 500 and 750 metres from the site.

Having taken detailed independent advice from one of our planning advisers, we did not uphold Mr C's complaints. The adviser said that the planning authority had clearly taken account of the material consideration of visual impact, both on the landscape and on adjacent houses. He considered that the guidance was essentially a strategic tool rather than a rigid policy threshold which could not be breached, and that the council had showed some flexibility and discretion by approving a turbine one metre higher than that guidance. He also said that the report of handling (a document about the application) and other documents submitted with the application showed that the visual and other impacts (particularly noise) on properties under 500 metres had been considered acceptable. In the adviser's view, it could then reasonably be assumed that this would be the case for dwellings sited more than 500 metres away.