

SPSO decision report

Case: 201302595, South Lanarkshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: upheld, no recommendations

Summary

Ms C raised objections with the council about the proposed building of a house in the area beyond her garden. One of her objections was in relation to the distance between her house and the proposed house. A council report to the planning committee said that revisions to the application had ensured a minimum separation distance of 15 metres from the nearest house. The committee considered and approved the application. Ms C complained to the council that there were less than 15 metres between her house and the proposed house and that no planning conditions had been made to address this. The council's response acknowledged that the distance quoted in the report was incorrect and apologised for this but noted that the scale drawings showed the correct distances and had been available at the committee meeting.

We took independent advice from one of our planning advisers, who reviewed the information, including the committee report and layout plan. He said that accurate distance statements existed elsewhere in the report and in the drawings, and explained that it was clear from the papers presented to the committee that the proposed development was not square on to Ms C's property. His view was that the committee was most unlikely to have been misled by the error.

The council had acknowledged the error and, therefore, we upheld the complaint. However, in light of the fact that the council had already apologised to Ms C, and that the adviser felt that it was most unlikely that the committee would have been misled, we decided that no recommendations were needed.