

SPSO decision report

Case: 201302670, Fife Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: not upheld, no recommendations

Summary

In 2007 Mr C was granted planning permission for a development. He understood that a social housing contribution was required to activate the permission and paid this. He never undertook the development and a subsequent planning application superceded it in 2011. By this point the council's policy had changed and social housing contributions were no longer sought. Mr C requested that his contribution be refunded to him. The council declined to make any refund and told Mr C that the contribution had been an alternative to a section 75 agreement being made (this is a legal agreement that covers financial contributions to meet services and infrastructure needs of the local community associated with a new development).

Mr C complained to us that the council had not advised him of the option to enter into a section 75 agreement. However, we did not uphold his complaint as our investigation found that among the evidence gathered in this case was a letter from him to the council indicating that he had been aware that the contribution was an alternative to entering into a section 75 agreement.