

SPSO decision report

Case: 201302839, Scottish Government D-G Planning and Environmental Appeals
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: upheld, no recommendations

Summary

Mr C and Mr D appealed to Scottish Ministers because the council had not determined their application for the removal of a planning condition on a property within the time set out for this. When the inquiry reporter did not grant consent for their application, Mr C and Mr D complained to us that the Directorate of Planning and Environmental Appeals (DPEA) had not acted reasonably in determining their appeal.

We took independent advice on this from one of our planning advisers, who said that there were procedural errors in the reporter's decision letter. These included not addressing under what section of the relevant legislation she was considering the appeal, and not warning Mr C and Mr D about an issue that had the potential to determine the case, but which had not been addressed before. The DPEA had accepted these failings when Mr C and Mr D complained to them. They had apologised, discussed the failings with the reporter concerned and also addressed these at a professional seminar with other reporters. On balance, we upheld the complaint but in view of the action the DPEA had already taken, we did not find it necessary to make any recommendations.