

SPSO decision report

Case: 201303149, The Moray Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: not upheld, no recommendations

Summary

After Mrs C began to extend the height of a fence in her garden, the planning department contacted her and explained that planning permission was required to do this. Mrs C said, however, that the council told her on more than one occasion that they could see no reason why planning permission would be refused. She applied for planning permission but this was refused some four months later. Mrs C was unhappy about the delay in reaching a decision on her application, and said that she was not kept properly informed and that she was given incorrect information about the likelihood of the application being granted. She complained to us that the council's handling of her application was unreasonable.

After carefully reviewing the relevant paperwork, we concluded that although the application could have been dealt with more quickly, when no decision had been made within two months, Mrs C had the right to appeal about the fact that her application had not been determined. We noted that the council had told her agent about this. The council had also accepted that she was not kept properly informed about progress, and had apologised. We did not see any evidence to confirm one way or another whether Mrs C was actually given incorrect information prior to her application being submitted. Having taken all this into account, on balance, we did not uphold her complaint.