

SPSO decision report

Case: 201304322, Perth and Kinross Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council unreasonably determined a planning application under delegated powers (where planning officers, in certain circumstances, may handle some applications), rather than referring the matter to a committee. He also complained that the planning application – which was retrospective – caused the loss of a local access route.

As part of our investigation we took independent advice from one of our planning advisers. Mr C had understood that the number of objections to the application meant that a committee would have to make the decision on it. For example, he said that his wife had been told on the phone that each person who signed a petition would count as an individual objector, yet he said a petition against the application had been classed as a single objection. The council denied having said this, and in the absence of evidence of this we could not verify what had actually been said. Although Mr C felt that enough objections were made for the matter to be considered by committee, we did not uphold his complaint as our adviser was clear that the application was handled in line with the relevant policy.

In terms of Mr C's second complaint, the adviser said that the planning officer's report had contained one apparent error but had handled the wider question of access appropriately. Although a materially significant error of fact could, potentially, have undermined the council's decision-making process, it was clear in the report that access through the site was considered. The report said that a neighbouring route provided sufficient access, while the relative weight given to factors was a matter of professional judgment, which we could not question where we saw no evidence of maladministration. In short, the adviser said that the council made a decision they were entitled to make, and viewed as a whole, we did not consider the evidence to be sufficient to call the council's wider decision-making process into question.