

SPSO decision report

Case: 201304445, South Lanarkshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained that his local council did not handle a retrospective planning application fairly or in line with their own procedures. Neighbours had demolished a boundary wall and removed hedging between their and Mr C's property. When they applied for retrospective planning permission for this, Mr C and others lodged objections, and he then complained that these were not dealt with properly. He said that none of the objectors was given the opportunity to speak at the planning committee meeting, at which permission was granted subject to some conditions. Mr C also complained that the application was not dealt with properly, including that some information was not available on the council's website, meeting papers were not published in time to give objectors time to correspond with the council, and that a council planning representative gave inaccurate, incomplete and/or misleading information to the meeting.

Our investigation included taking advice from one of our planning advisers and reviewing relevant legislation. We found that the council's planning process complied with the requirements of the legislation, and that the application had been dealt with in line with the process. On the specific issues raised by Mr C, we found that sufficient information about the application had been available to the public during the planning process. The relevant papers were published four working days before the meeting and this complied with the legislation, which requires any relevant papers to be published three full working days beforehand. The process does not allow objectors to address planning committee meetings, but we found that all the objections were included and responded to in the planning officer's report to the committee. Therefore, overall we considered that the council had processed the application in accordance with their process and the governing legislation.