

SPSO decision report

Case: 201305215, Stirling Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained about planning permission granted for an area of ground behind his house. He said that in determining the permission, the council relied on incorrect information and allowed a building to be erected that overlooked his house. He said that the council had dealt inconsistently with this application, and a site visit should have been made so that officers would have better understood the implications of the development on his home. He said that his complaints to the council about these matters had not been handled properly.

We took independent advice from one of our planning advisers. Our investigation found that while certain incorrect information had been reported in a council document, the responsibility for ensuring its accuracy lay with the developer and not with the council. Despite this, we found that the planning application was determined on its merits and, while a site visit was not mandatory, it was likely that one had been made. There was no evidence to suggest that the council had dealt inconsistently with this matter in comparison to its normal decision-making process and, indeed, it seemed that the council had gone further than necessary in considering the water management implications of the application. We also found that the council responded to Mr C's complaint in accordance with their complaints handling procedure.