

## SPSO decision report

**Case:** 201305312, West Lothian Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained that the council had not issued him with a neighbour notification about a planning application for a large development next to his business property. He only found out about this when development started, the effects of which had a significant impact on his ability to conduct his business from there. The council explained that the previous owner of Mr C's property had applied for planning permission to change its class of use. Permission had been given, but it said that that the council were to be notified at the start and end of that development. As this had not happened, the council had no record that the property was occupied, so it had not been included on the neighbour notification list.

We took independent advice on this case from one of our planning advisers. The adviser said that the council's explanation was reasonable in the circumstances, and that the root of the problem appeared to be the previous owner's failure to tell them that there had been a commencement of use or to ask for a number to be formally allocated to the property. As the council did not receive this information from the previous occupier, the premises were not included in the document used by the council to identify neighbouring properties that needed to be notified. Taking all the circumstances into consideration, we did not uphold Mr C's complaint.