

SPSO decision report

Case: 201305342, Scottish Government Directorate for Planning and Environmental Appeals
Sector: Scottish Government and devolved administration
Subject: handling of application (complaints by applicant)
Outcome: not upheld, no recommendations

Summary

When the local planning authority refused Mr C's application for planning consent, he appealed the decision. He complained to us that in handling his appeal, the inquiry reporter (the person responsible for hearing the appeal) failed to confine his reporting to matters relevant to the status of the application (which was for planning consent in principle). Mr C also complained that the reporter used subjective opinions to make his decision.

Our investigation found no evidence from the appeal, or the responses the department gave Mr C when he complained, that the reporter had failed to take relevant matters such as the legislation and development plan policy into consideration. Nor did we find evidence that the reporter was in any doubt that this was an appeal for planning consent in principle, not detailed consent. Finally, we found no evidence that the reporter used his own criteria. We found that the comments Mr C considered subjective were where the reporter expressed an opinion, which he was entitled to do as long as he was taking account of the relevant policy, legislation and guidance. This was a professional decision that the reporter had discretion to take and there was no evidence of fault in how he arrived at that decision.