

SPSO decision report

Case: 201305446, Midlothian Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained to us that the council failed to take appropriate action when his neighbour built an extension without applying for planning permission. Under planning legislation, if an extension is to be no more than four metres in height, planning permission is not normally required. However, Mr C noticed that the extension his neighbour was building was more than four metres high and asked the council to take action on this. The council measured the extension as being 4.1 metres high, but decided not to ask for a planning application to be submitted.

We took independent advice from one of our planning advisers. We found that the council were entitled to reach the decision that, although the extension exceeded the permitted development threshold by 0.1 metres and was a breach of planning control, they would not pursue the matter further by requiring the submission of a revised planning application. We took the view that the council had acted reasonably in the circumstances, and did not uphold Mr C's complaints.

Mr C also complained that the council had failed to provide appropriate responses to his complaints. We found, however, that they had provided reasonable responses to Mr C.