

SPSO decision report

Case: 201401102, East 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 failed to consider a councillor's request that his neighbour's planning application be referred to the council's planning committee. The councillor had emailed the council to ask that they let him know when a decision was due to be made on the application so that he could ask for it to be referred to the planning committee. The council had then notified councillors that the application would be decided by a planning officer under delegated authority, unless a request to refer the application to the planning committee was received within seven days. This addressed the councillor's request. Under the council's scheme of delegation, councillors have seven days in which to request referral to the planning committee, otherwise the council issue the decision on the application. The councillor also has to prepare a statement of reasons giving the reasons why the planning committee should determine the application. No request for referral to the planning committee was received within the seven day period and the council then made a decision on the application.

We took independent advice on this case from one of our planning advisers. We found that the council had acted in line with their scheme of delegation and we did not uphold this aspect of Mr C's complaint.

Mr C also complained that the council had ignored a character appraisal for the local area (a description of the architectural and historic character and significance of the area) when they made a decision on the application. We found that the council had taken the character appraisal into account, but had found that this conflicted with national guidance, which carries more weight than local policies. We did not, therefore, uphold this complaint.