

SPSO decision report

Case: 201402046, Dumfries and Galloway Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mrs C complained that the council had not followed proper planning procedures when they approved the building of a house on a site near her property. Mrs C said that proper consultation had not taken place and that the objections she and others raised at planning committee were not reasonably considered. She also complained that the decision was not in line with the development plan for the area, and that this was not adequately explained and recorded by the council.

Our investigation considered all the correspondence between Mrs C and the council and their responses to her complaints. We also examined relevant planning regulations, policies and development plans, and the papers presented to the committee that approved the planning application, including the planning officer's report and the minutes of the committee meeting. We also took independent advice from one of our planning advisers. We did not uphold Mrs C's complaint about lack of community involvement and consultation, but we did uphold her complaint that the council did not properly follow procedure. We found that the planning application approval was not accurately documented as a departure from policy, as required by regulations, and we made recommendations to address this.

Recommendations

We recommended that the council:

- apologise for not clearly recording the approval as a departure from policy; and
- consider how best to ensure such exceptional planning approval decisions are accurately documented.