

SPSO decision report

Case: 201402322, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C was an objector to a planning application considered by the council's planning committee. He believed that the report on handling considered by the committee contained a number of serious errors which meant the committee had been unable to make an accurate assessment of the application. In particular, Mr C said that the correct planning policies had not been followed and incorrect advice had been given by the council's flood prevention officer on the flood risk to an access road.

We took independent advice from one of our planning advisers. Our adviser said the report on handling had presented an appropriately balanced view of the application and the relevant policies. He said the council had been correct not to include historic reasons for refusal, as they were not applicable to the application under consideration.

Our investigation found that the council's flood prevention officer had acted proportionately in their assessment of the application and, specifically, the access road. Although the council had acknowledged an error in some of their correspondence, this was a matter of millimetres and they were entitled to take a view on whether this was materially significant. We also found the available evidence did not show the report's assessment of the access road was inadequate or inaccurate.