

SPSO decision report

Case: 201402826, Comhairle nan Eilean Siar
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Ms C built a new house. A planning application was submitted for another new house to be built on the neighbouring plot of land. Ms C was not notified of the proposed development and, therefore, missed the opportunity to submit representations. The development was subsequently approved. When she learned of the approval, Ms C wrote to the council outlining her objections which included the close proximity, overlooking and overshadowing of the new house to her home. She also objected to the council's approval of a late decision to relocate the new house within the site without consulting owners of neighbouring properties.

The council accepted that they had not issued a neighbour notification notice to Ms C before giving consent for the new development. This was because her new house did not yet show on the maps that were used to identify neighbouring properties. However, the council felt that they had met their obligation to advertise details of the development in the local press.

We found that advertising in the local press was insufficient and there was a clear requirement for the council to notify Ms C. We were critical of their failure to do so and sought evidence of the procedural changes they have implemented to avoid similar problems in the future. That said, we were satisfied that the points she raised as objections had been considered by the planning officer before the planning permission was granted. We were also satisfied that the relocation of the property was permissible as a non-material variation to the original plans and that no neighbour notification was required for this.

Recommendations

We recommended that the council:

- issue a written apology to Ms C for failing to properly notify her of the planning application; and
- demonstrate to us that changes to the neighbour notification process have now been implemented to ensure that all neighbours (including recent/new builds) will be notified.