

## SPSO decision report

**Case:** 201402879, South Ayrshire Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained that the council's regulatory panel had granted planning consent for a radio mast in the garden of a neighbour despite having been given photographic evidence of the site which was out-of-date. Since the original photographs of the site were taken by planning officers a number of trees had been felled which Mr C said altered the screening of the site. Mr C was of the view that the council should have taken new photographs after the felling had taken place and should also have issued a new and updated report of handling to objectors to the development.

In responding to the complaint the council said that the regulatory panel was fully aware of the felling that had taken place as the son of the applicant had informed them of the changes. In addition, an objector had written to highlight the felling and Mr C himself had spoken at the panel hearing and highlighted this issue. The regulatory panel chose not to visit the site or require updated photographic evidence as they did not consider it necessary to determine the application.

We considered Mr C's complaint and found that the regulatory panel had been made fully aware of the felling which had taken place and had the opportunity to request further information. As they did not consider this was required, however, they determined the application. We also found that the council had no responsibility to issue a new and updated report of handling following the tree felling and that, even if they had, they would not be obliged to issue copies of this document to objectors. As we did not find evidence of administrative failure in the way these matters were dealt with by the council, we did not uphold the complaint.