

SPSO decision report

Case: 201404803, Shetland Islands Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: not upheld, no recommendations

Summary

Mr C requested a variation to a planning permission granted to him. The original permission allowed the building of a house and outbuildings, but restricted the use of the outbuildings. Mr C wished to remove the restriction on business use for one outbuilding. He also wanted retrospective approval for the installation of a flue for a wood-burning stove in an outbuilding. The house had not been constructed at this time.

Mr C had engaged in extensive correspondence with the council about possible changes to the planning conditions. The council had responded to these, but had noted that he should seek independent planning advice. Mr C had submitted an application for retrospective planning permission for the stove flue, but this had been rejected.

Mr C complained that the council had not provided reasonable advice on altering the planning condition. He said that they had incorrectly stated he did not have permitted development rights to build the flue for the wood-burning stove. He also complained they had not responded reasonably to his complaint.

We took independent advice from a planning adviser. The adviser said that the council had acted reasonably and proportionally in dealing with Mr C and in the advice provided by planning officers. We found the council had acted reasonably. Mr C had not taken independent planning advice, despite planning officers suggesting that he do so, and he had agreed to the planning application as submitted. The council had responded appropriately to his complaint, although it was accepted that he disagreed with their position.