

## SPSO decision report

**Case:** 201407128, Falkirk Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mr and Mrs C complained that the council failed to properly consider a planning application to build a house next door to their property. They said that their objections had not been properly taken into account and that the council failed to implement the terms of the permission granted in a reasonable way. They said that their amenity and enjoyment of their home had been detrimentally affected. They alleged that their representations about this were not dealt with properly.

We took independent advice from one of our planning advisers and we found that, in initially considering the planning application, the council had dealt with it both reasonably and appropriately; Mr and Mrs C's objections were taken into account and permission was granted subject to conditions. Thereafter, as works progressed, Mr and Mrs C brought the council's attention to the fact that not all the conditions were being complied with. The council decided to pursue a negotiated settlement with the developer (rather than to take enforcement action), which they were entitled to do. There was no evidence that Mr and Mrs C's representations were ignored although it was clear that they were not dealt with in the way that Mr and Mrs C would have preferred. The complaint was not upheld.