

SPSO decision report

Case: 201507975, The City of Edinburgh Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: upheld, recommendations

Summary

Mrs C complained about the council's handling of a planning application to develop residential accommodation at a site next to the home of her daughter (Miss A). Mrs C complained that the council had not taken appropriate action when she highlighted issues with the accuracy of the applicant's submission. She also complained that the council had not allowed sufficient time before a committee meeting for her to submit additional information about the impact of the new development on daylight at Miss A's home.

We took independent planning advice. We found that when Mrs C raised concerns about the accuracy of the application, the council did not acknowledge or act on these quickly. The council had recognised this during their own consideration of the complaint and taken remedial action. The advice we received highlighted a failure to re-notify neighbours when the applicant submitted further information to the council. Had the council taken this action, it would have allowed Mrs C further time to submit information relating to the daylight impact of the development.

We also found the council had told Mrs C that a short turnaround time had been given due to concerns about the applicant appealing against non-determination of the planning application (the planning applicant has a right to appeal the non-determination of their application if the council has not reached a decision to grant or refuse planning consent within a specific statutory timescale). The advice we received was that the timescale for an appeal had already passed and consequently this was not a relevant factor in the case. We therefore upheld Mrs C's complaints.

Recommendations

We recommended that the council:

- provide Mrs C with an apology for the incorrect information she was given about a potential appeal for non-determination of the planning application.