

SPSO decision report

Case: 201508232, The Highland Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, no recommendations

Summary

Mr C complained that the council had unreasonably failed to include all objections to a planning application on their e-planning portal and that, although they acknowledged they failed to place his objection on the planning portal when considering his initial complaint, they told him it was on the planning portal when they responded to him at stage two of their complaints procedure. Mr C was unhappy with this inconsistency.

Mr C was also concerned that the council had ignored a planning condition restricting the start of development and had gone ahead with preparatory works which, Mr C believed, was contrary to the planning condition.

We reviewed the records and agreed with Mr C that his objection was not on the e-planning portal at the time the application was being considered. We upheld this element of Mr C's complaint.

We noted, however, that his objections were summarised in full in the planning officer's report to committee and they were, therefore, fully aware of his views. We also noted that the stage two response to his complaint was reasonable as Mr C's comments were on the online planning portal, but they were summarised in the report rather than being presented in full. We also noted that the condition Mr C considered was being breached by the council starting works had in fact been amended to allow works to go ahead at an earlier stage. For this reason, we did not uphold these aspects of Mr C's complaint.