

## SPSO decision report

**Case:** 201508437, East Lothian Council  
**Sector:** local government  
**Subject:** handling of application (complaints by applicants)  
**Outcome:** upheld, recommendations

### Summary

Mrs C made an application for a High Hedge Notice under the High Hedges (Scotland) Act 2013 Act. The council notified Mrs C and her neighbours of consideration of the high hedge application. Approximately a month later, a site inspection was carried out. Based on the inspection, the council reached the view that the trees in question did not qualify as a high hedge, and the council refused the application on this basis.

Mrs C complained that the council unreasonably failed to process the concerns she had about planting in her neighbour's garden. She raised particular concerns about the stage in the process at which the council considered the question of whether the trees amounted to a high hedge.

We obtained independent planning advice in relation to Mrs C's complaint. We found that the council had reached a particular decision about the process for a high hedge application, based on their legal advice. However, we considered that having reached that decision, the council should have been clear about the process they were following to the complainant (who expected the council to follow the guidance), and moreover, appropriately escalated their concerns about the guidance to the Scottish Government. Therefore, we upheld the complaint.

### Recommendations

We recommended that the council:

- confirm they will raise their concerns about the guidance with the Scottish Government;
- confirm they will review their process for dealing with high hedge applications following engagement with the Scottish Government, including reviewing the handling and publication of the application, and the reimbursement of associated fees; and
- apologise for the failings identified in this investigation.