

SPSO decision report

Case: 201601136, Shetland Islands Council
Sector: local government
Subject: handling of application (complaints by applicants)
Decision: some upheld, recommendations

Summary

Mr C complained about the way the council managed his planning application to build a new home. Approval was granted by the council but a condition was placed which stopped development starting until works had been carried out on a new section of public road. Mr C was concerned that the council had not followed the relevant procedures. He was also concerned that when his case was considered by the local review body, their decision to maintain this condition was based on inaccurate information. Mr C also complained that the council's handling of his complaint was unreasonable.

After taking independent advice from a planning adviser, we upheld Mr C's complaint about the council's failure to follow the relevant processes and procedures, as we found there had been a number of delays. However, we did not find any other failings in the determination of the application. The council acknowledged that their guidance for applicants on the local review body process could be clearer and we made a recommendation with regards to this.

We did not uphold Mr C's complaint about the condition placed on the planning consent. Although we found that there were some inaccuracies in the information considered by the local review body, the advice we received was that their decision was not based on these inaccuracies.

We upheld Mr C's complaint about the way the council handled his complaint. We found that Mr C's concerns were clear from his correspondence with the council but that their response did not properly address these concerns. The council accepted this. The council also accepted that they had not dealt with the complaint within the timescales set out in their complaints handling procedure. They advised us that a number of steps had been taken to address these failings and we asked that they provide evidence of this.

Recommendations

What we said should change to put things right in future:

- The council should ensure that guidance for applicants about the local review body process is clearer regarding timescales.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.