

SPSO decision report

Case: 201601484, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: some upheld, no recommendations

Summary

Mr C and his representative sought pre-application advice from the council before submitting a planning application for a property he wished to build. On the basis of the advice, Mr C submitted a planning application. Mr C complained about the council's handling of pre-application contact and the decision not to refer the application to a committee for approval.

We reviewed the information received from Mr C, his representative for the application and the council, as well as the council's Pre-Application Advice Guidance Note and their Scheme of Delegation. We found that the council had not kept a record of consultations with Mr C's representative, including a site meeting. We upheld Mr C's complaint that they had failed to keep proper records of additional relevant advice given.

We did not uphold Mr C's complaint that the council failed to provide consistent advice at the pre-application and application stage, contrary to their guidance. We considered that the council had given a reasonable explanation for the meaning of the word 'qualified' within the guidance, explaining that the advice was not absolute. We did not consider that any recommendations were required as the council had already apologised to Mr C and taken action to remind staff of the importance of recording pre-application enquiries and responses and ensuring that this includes a standard disclaimer.

Regarding Mr C's complaint that the council failed to follow their Scheme of Delegation, we considered that the council had provided a reasonable explanation for their decision and therefore did not uphold this complaint.