

## SPSO decision report

**Case:** 201603914, East Dunbartonshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by applicants)  
**Decision:** some upheld, recommendations

### Summary

Mr C raised a number of concerns about the council's handling of his planning application.

Firstly, he complained that the council granted and then withdrew planning permission. The council had acknowledged that they had made an error when issuing his listed building consent, by using the template for planning consent rather than the correct listed buildings consent template. They were of the view that this was an administrative error and that, as such, the planning consent had not been legally granted. We were critical that the council had issued a decision on the wrong template, and we highlighted to the council that this could give the impression that planning consent had been granted. As a result of this failure, and the failure to promptly and clearly clarify why the mistake was made and what would be done to correct the error, we upheld this aspect of the complaint.

Secondly, Mr C raised concern that the council unreasonably disputed that his planning application included an access through a wall into a council car park. We took independent planning advice and concluded that the council had not disputed that access arrangements were included in the application. We did not uphold this aspect of the complaint.

Lastly, Mr C complained that the council unreasonably withdrew permission for him to form the access in the wall, despite having granted others access. He said that the council failed to take account of information he provided them with, which he considers proves his right of access. We were satisfied that the council had taken Mr C's evidence into account. Who has title or right of access is not something that we can determine, and this issue would need to be pursued through legal channels. We did not uphold this aspect of the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Write to Mr C to apologise for failing to promptly notice the error regarding the template, which gave the impression that planning consent had been granted. Also apologise for failing to provide Mr C with a reasonable explanation for what happened, and why, and for failing to provide an appropriate apology for their errors at that time. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.

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

- The public should be confident that when a formal notice is issued by the council, the notice is correct and can be relied upon. Any incorrectly issued notices should be identified promptly and steps should be taken to put right any errors, an investigation should be carried out in order to identify why the errors occurred and steps should be taken to ensure that the errors will not re-occur.