

SPSO decision report

Case: 201606534, Glasgow City Council
Sector: local government
Subject: handling of application (complaints by opponents)
Decision: some upheld, recommendations

Summary

Mr C complained that contractors working on land opposite his home created a new site entrance and works compound, despite him have received assurance from the council during the planning process that the existing site access would be preserved. The council advised this on the basis that the planning application did not show plans for a new entrance. Revised plans showing the new access arrangements were then submitted, subsequent to this complaint, and the council deemed the new access permitted development, not requiring planning permission.

We took independent advice from an planning adviser, who found that the new access and compound were classified as permitted development. We, therefore, concluded that the council did not act unreasonably in allowing the contractors to take this action, and we did not uphold this aspect of complaint.

Mr C also complained about the way in which the council responded to his concerns. As he had received an assurance from the council that the existing access arrangements would be preserved, we considered that he was justified in raising concerns when this changed. However, the council initially advised him that the planning process could not consider matters of construction, which the planning adviser disagreed with. The council then noted that they had no obligation under the planning process to provide Mr C with an individual response to his representations. They did not explain to him that the deviation from the submitted plans was permissible under permitted development rights, despite confirming this to the applicant shortly thereafter. We considered that the council failed in their duty to respond reasonably to valid concerns raised by a member of the public and we upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to respond reasonably to his concerns.

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

- Ensure that enquiries, such as those submitted by Mr C, are passed promptly to relevant members of staff to fully consider and respond to accurately and in sufficient detail.

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.