

SPSO decision report

Case: 201607523, Dumfries and Galloway Council
Sector: local government
Subject: handling of application (complaints by opponents)
Decision: not upheld, no recommendations

Summary

Mr C complained about the council's decision to grant planning permission for an equestrian centre close to his home. In particular, he said that objections to the development were not properly considered and that it should have been treated as a 'bad neighbour' development (a development that could have a negative impact on neighbouring properties). Mr C also said that the siting of the proposed development was not in accordance with Local Development Plan (LDP) policies. However, the council maintained that none of this was the case and that the application had been considered reasonably and appropriately.

We obtained independent planning advice and this showed that while all the objections made to the plans had not been reproduced in full in a committee report for the attention of councillors who were making the decision, it was not reasonable to do this. However, the report made it clear that the summaries produced should be read in conjunction with the full text which was available via a weblink. We further found that it was a matter of judgement for the planning authority whether or not a development constituted a 'bad neighbour' development having regard to the wider public interest. While the council took the view that it was not a 'bad neighbour' development, and did not advertise it as such, they had, nevertheless, advertised the proposals. Even if the council had considered the development to be a 'bad neighbour' development, the advert placed would have satisfied Scottish Government regulations. Finally, we found that the report associated with the application assessed the proposals against the LDP policies and while the application did not comply with all aspects of the LDP, the council had considered other relevant policies and material considerations which justified approval. The report had explained the reasons why such a conclusion was reached. We did not uphold the complaint.