

## SPSO decision report

**Case:** 201705733, Aberdeenshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Decision:** not upheld, no recommendations

### Summary

Mr C complained about the council's handling of a planning application which proposed the erection of a new house directly opposite his own. Mr C told us that this application should not have been approved as the council's Local Development Plan (LDP) only allowed for one new house to be built in rural hamlets the size of his during every five year plan period, but this was the third application that had been approved in less than 18 months. In response to his objection and complaint, the council had explained that the reason this had occurred was because one LDP had expired at the end of the year, but the new five year LDP could not be approved until a few months into the new year, due to a Scottish Government review. They said that this meant that the interim period had to be considered a second term of the older LDP, with its own allowance for rural expansion.

We took independent advice from a planning adviser, who told us that the council's interpretation of the legislation was correct and, therefore, their approach was reasonable. As such, we did not uphold this complaint.

Mr C also complained that the council had not taken account of an objection he made regarding the accuracy of the plans. He said that the levels shown on the plans were not consistent with the gradient of the site. On investigation, we found that Mr C had objected about this issue separately from his original objection, and outwith the timescale for consultation. As such, the council did not accept it as a valid objection. However, they received a similar objection from another party, so this matter was considered during the process. They also treated Mr C's objection as a planning enforcement matter and attended the site to visually compare the levels against the gradient. Having done so, they concluded that the plans were a reasonable representation of the plot. We concluded that the council's actions in this respect had been reasonable and we did not uphold this complaint.