

SPSO decision report

Case: 201803472, Fife Council
Sector: Local Government
Subject: planning \ handling of application (complaints by opponents)
Decision: some upheld, recommendations

Summary

C complained about the council's handling of a planning application submitted by their neighbour. The planning application was for a number of alterations to C's neighbour's property. C objected to the application, as they had a number of concerns about the proposed alterations, including what they considered to be inaccurate plans and information submitted by the neighbour. Despite C's objections, the council approved the planning application.

C complained to the council about their handling and assessment of the application. They stated that there were inaccuracies within the Report of Handling and that the council had not addressed the points raised in C's objection appropriately. The council acknowledged that there were a number of failings in how they handled and assessed the planning application. However, they concluded that their decision on the application would have been the same had these failings not taken place.

In C's complaint to us, they explained that they were not satisfied with the council's response and that the council should have taken further action in response to the aspects of the complaint they upheld. C also had further concerns about the council's handling of the application and the assessment that led to their decision.

We took independent advice from a planning adviser. We found that the council's stage 2 complaint response provided a reasonable explanation for why the decision to approve the planning application was appropriate. Furthermore, the council's decision-making was in line with relevant guidance and legislation. Although C disagreed with the council's decision on the planning application, we were satisfied that this was a decision the council were entitled to reach. However, we did identify one failing in respect of the application validation process that was not addressed in the council's response. In light of this, and the failings already identified by the council, we upheld this complaint.

C also complained that the council had failed to take reasonable and appropriate action in relation to the drainage provisions that were part of the planning application. C said that there was a lack of detail in the planning application in relation to drainage and that the council had been unclear about whether this was a matter for the planning department or building standards. The council stated that the information contained within the planning application was sufficient to allow an appropriate assessment of the application. They also clarified that a development of this nature would not require a building warrant.

We found that the information provided in the council's complaint response was accurate. As such, we were satisfied that the nature of this development meant that more detailed information, plans or drawings were not necessary. We also accepted that building standards would not have a role in this matter should the development lead to unexpected water run-off. While acknowledging that the council's Report of Handling contained inaccurate information, we concluded that the council acted appropriately and did not fail to carry out any actions they were obliged to. Therefore, we did not uphold this complaint.

Recommendations

What we asked the organisation to do in this case:

- Given the failings identified in both the council's stage 2 investigation and our investigation, consider whether it is expedient to revoke the planning permission granted for the application and require a new application to be submitted.

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

- Reflect on how this planning application was validated, handled and assessed. Consider whether there are any learning and improvement points that can be put in place.

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.