

SPSO decision report

Case: 201808621, East Ayrshire Council
Sector: local government
Subject: handling of application (complaints by applicants)
Decision: upheld, recommendations

Summary

Mrs C complained that the council's communication with her regarding the need for planning permission was unreasonable. Mrs C suggested that the council had provided incorrect planning advice and later unreasonably changed their view on whether an application for a change of use was required, causing a delay to when Mrs C's business could commence trading.

We took independent advice from a planning adviser. We found that the council had adequate information at an early point to reasonably conclude that it would be necessary for Mrs C to require a change of use planning permission. The initial advice indicated that planning permission was not required unless the anticipated level of sales and activity increased. The council provided inconsistent information and rationales to support their decisions. We upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for failing to reasonably communicate with her. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/information-leaflets>.

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

- The council should communicate in a clear manner, ensuring a clear, consistent rationale is provided when issuing pre-application advice and appropriately recorded.

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.