

SPSO decision report

Case: 201911240, East Renfrewshire Council
Sector: Local Government
Subject: Handling of application (complaints by opponents)
Decision: some upheld, recommendations

Summary

C complained about the council's handling of a planning application.

C's neighbour was granted planning consent for an outbuilding in their garden. C noted that this space was to be used for commercial activities and complained that the council failed to comply with their own adopted and emerging Local Development Plan policies when reaching the decision to approve the application. C did not consider that their concerns in this regard had been addressed in the report of handling.

C raised further concerns as to how the approved development would impact the neighbouring properties and the local area. C contended that the council failed to appropriately notify all of the affected neighbours.

When objecting to the development, and in their subsequent complaint to the council, C noted that approving the application would allow the developer, or future owners of the residential property, to conduct other activities that could be disruptive. C did not consider that the council had taken adequate steps to consider this eventuality, or to limit the activities to those listed by the applicant. C raised a complaint with the council, but did not feel that all of their concerns were addressed.

We took independent advice from a planning specialist. We found that the council were largely able to demonstrate that the planning application had been handled reasonably. Therefore, we did not uphold this complaint. However, the report of handling failed to address C's concerns about the potential for other activities taking place at the site in the future. Whilst we were satisfied that the council were entitled to reach the decision that they had, we were critical of them for failing to demonstrate that this issue had been considered prior to consent being granted and we made a recommendation in this regard. We also found that the council failed to address this, and another issue, in their responses to C's complaint. This was particularly concerning given how central these two issues were to C's complaints about their handling of the planning application. Therefore, we upheld this aspect of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failure to handle their complaint reasonably. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- That the council share this decision with their planning staff.

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.