

## SPSO decision report

**Case:** 202004698, Dumfries and Galloway Council  
**Sector:** Local Government  
**Subject:** Handling of application (complaints by opponents)  
**Decision:** some upheld, recommendations

### Summary

C's neighbour was granted planning permission for the construction of an outbuilding in their garden. C complained that the council's handling of the planning application was unreasonable. C complained that their objections had not been set out in full in the Report of Handling and that the report did not include an assessment of the impact of the proposed development on C's garden.

The build site was on sloping ground and C complained that the change in land height on the build site had not been mentioned. They also complained that the Report of Handling did not accurately summarise the scale of the proposed development or its proximity to C's garden.

We took independent advice from a planning adviser. We found that although the Report of Handling did not include reference to the assessment of the impact of the proposed development on sunlight in C's garden, the council had been able to demonstrate that this formed part of their assessment. We found that there was a reasonable consideration of the impact of the build on the existing house, the surrounding area, and the amenity of C's property.

Although we were critical of aspects of the council's handling of the application, we did not consider the shortcomings sufficient to lead to a finding that the handling was unreasonable. We found no evidence that any material considerations which might have led to the refusal of the application were overlooked. Therefore, we did not uphold the complaint but we did provide feedback on matters the council could have dealt with better.

In relation to complaint handling, we found that the council failed to identify and respond to the key concerns raised by C. Therefore, we upheld this aspect of C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to investigate their complaint to a reasonable standard. The apology should meet the standards set out in the SPSO guidelines on apology available at [HYPERLINK "http://www.spsso.org.uk/information-leaflets" www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets) .

In relation to complaints handling, we recommended:

- Complaint handlers should identify the key aspects of complaints and ensure complaint responses address these matters, in line with the Model Complaints Handling Procedure.

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.