

## SPSO decision report

**Case:** 201402564, North Lanarkshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** upheld, recommendations

### Summary

A planning application was submitted for land next to Mr C's property. Mr C viewed the available documents and made representations to the council. He also asked for copies of information that would have made clear the proposed heights of the dwellings being proposed, but was not given this information. The planning application was approved. When work began, Mr C was concerned about the height of the ground being prepared for the dwelling to be built closest to his home. He complained to the council that the height of the proposed dwelling had not been clear from the information available to the public during the consultation period. In response the council advised that clear indications of the heights of the proposed dwelling had been available when the decision to grant permission had been taken. Mr C brought his complaint to us.

We took independent planning advice, and found that the documents that the council said made clear the heights of the proposed dwelling were not available to the public during the consultation period, and that this was not in line with the terms of relevant national policy. In light of this, we upheld Mr C's complaint.

### Recommendations

We recommended that the council:

- provide written apologies to all those to whom they gave notice of the application under the neighbour notification provisions of the Planning etc (Scotland) Act 2006 for their failure to reasonably ensure that the heights of the dwellings proposed in the application were clear to the public during the consultation period; and
- review their planning procedures to ensure that the information available to the general public during the consultation period for planning applications indicates clearly when substantial changes to the height of land are proposed.