

SPSO decision report

Case: 201507903, Scottish Borders Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mrs C raised a number of concerns relating to the planning situation at an adjoining farm. In particular, she complained that the council had failed to ensure all planning conditions attached to planning consent for the erection of four houses were enforceable. She also complained that the council failed to follow planning procedures in relation to a planning application for a replacement shed on land owned by the farm and that incorrect information was contained in the officer's report for another planning application for the same site.

We took independent advice from a planning adviser, whose advice that the planning condition did not meet the standards of precision and reasonableness we accepted. We upheld this part of Mrs C's complaint and recommended that a full and unreserved apology be issued to Mrs C.

We also found that while the officer's report lacked detail, there was no evidence that the council had failed to follow planning procedure, and we did not uphold this part of Mrs C's complaint. The council also accepted that the officer's report had contained some drafting errors, and while we were mindful that a site visit had been carried out during which the planning officer would have seen the actual position when assessing the planning application, we found that the errors should have been corrected prior to determination of the planning application. We upheld this part of Mrs C's complaint.

Recommendations

We recommended that the council:

- feed back our findings to staff responsible for drafting or approving planning conditions, as a learning tool; and
- demonstrate how quality checking is being used to improve the accuracy and quality of planning reports (both in relation to the accuracy of calculations, and to ensuring reports are sufficiently detailed to explain and support the planning decision).