

SPSO decision report

Case: 201508846, West Lothian Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mrs C complained that the council erected new equipment in an established play park next to her home. The new equipment is proving significantly more successful than the previous equipment and is being used by many more people. Mrs C is unhappy with the noise from the park area and has suffered from some anti-social behaviour from park users. She complained to us that the council failed to carry out an appropriate public consultation before installing the equipment.

In their response to the complaint the council had told Mrs C that there was no duty for them to carry out a substantial consultation for the installation of this type of equipment in an established play park, although they noted that they had consulted with local schools. They said that as they were replacing old play equipment with new, there was also no need for the submission of a planning application for the majority of the equipment. However, they acknowledged that one piece of equipment did exceed the height limits for consideration as permitted development. As a result, they considered whether this specific piece of equipment was of sufficient detriment, in itself, to require the submission of a planning application. They decided that the submission of a planning application was not required as the equipment only just exceeded the height limits, it could not be reduced in height and they deemed that the additional height, in itself, would not be detrimental to Mrs C's amenity.

We were satisfied that there was no additional duty on the council to consult. We were also satisfied that they had correctly identified an individual item of equipment as being one which would not normally meet the criteria for permitted development and that they had assessed whether the additional height of the single item of equipment would have an impact on Mrs C's amenity. As they demonstrated that they had considered whether a planning application should be requested, and as no further public consultation was required, we did not uphold this complaint.