

SPSO decision report

Case: 201810025, Fife Council
Sector: Local Government
Subject: Handling of application (complaints by opponents)
Decision: not upheld, no recommendations

Summary

Mr and Mrs C complained about the handling of a planning application submitted by a neighbour. They complained that the council had failed to allow an additional neighbour notification to enable comments to be submitted on new additional information submitted by the applicant; the council unreasonably circulated a report of handling to the appropriate planning committee which was inaccurate, and that elected members of the committee were provided with misleading information. They also complained that the council failed to adhere to its planning residential amenity protection guidelines, and finally that the council's communication concerning the planning application was unreasonable.

We took independent planning advice. We found that there had been no failure by the council in not providing an additional notification period as the further information provided by the applicant was not materially different from the information already provided. While we found that the report of handling was of an appropriate standard in this case, the council accepted that the information in the report of handling could have been clearer and had taken action to remind appropriate staff of the need for accuracy in reports of handling.

We also found that there was no evidence that misleading statements were provided to the committee and that there was evidence that amenity protection had been taken into consideration.

Finally, we found no evidence that the communication with Mr and Mrs C in relation to the planning application was unreasonable.

We were satisfied that the planning application had been dealt with appropriately and in accordance with relevant statutory and council processes and procedures.

Therefore, we did not uphold Mr and Mrs C's complaints.