

SPSO decision report



Case: 201900245, North Ayrshire Council
Sector: Local Government
Subject: Handling of application (complaints by opponents)
Decision: upheld, recommendations

Summary

Ms C complained about the council's handling of a planning application for a housing development adjacent to her property. Ms C complained that the council did not tell her about changes that had been made to the site plan and that she was not given a further opportunity to provide representations. Ms C also complained that when the building work started, the nearest house was significantly closer to her boundary than what the council had told her the separation distances would be.

We took independent planning advice. We found that the council was not required to invite Ms C to make further representations on the planning application, as they did not consider the changes to the site plan had been significant. We noted that in their response to Ms C's complaint, the council acknowledged that they had told her the wrong separation distances. However, we also found that the council had relied upon these inaccurate separation distances in their assessment of the planning application. We considered the council's response to Ms C did not adequately acknowledge or address this. We also considered that their assessment did not contain enough detail about how they assessed the impact on Ms C's amenity. We upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms C for the issues identified in the council's handling and assessment of the planning application. The apology should meet the standards set out in the SPSO guidelines on apology available at [HYPERLINK "http://www.spsso.org.uk/information-leaflets"](http://www.spsso.org.uk/information-leaflets) www.spsso.org.uk/information-leaflets .

What we said should change to put things right in future:

- The council should ensure that any representations they receive about amenity are appropriately taken into account and addressed in their assessment.
- The council should ensure they have adequate checks in place to ensure that planning applications are accurately assessed and to avoid these types of factual errors in relation to the separation distances.

In relation to complaints handling, we recommended:

- The council's complaints handling system should ensure that failings (and good practice) are clearly acknowledged and addressed, and that they are using focused learning from complaints to inform service developments and improvements (where appropriate).

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.