

SPSO decision report

Case: 202104071, Stirling Council
Sector: Local Government
Subject: Communication / staff attitude / confidentiality
Decision: some upheld, recommendations

Summary

C complained about the way that the council had handled a planning application related to a development of new homes adjacent to their home. In particular, C expressed concern about the position and proximity of one of the plots to their home and the detriment this would cause in terms of overshadowing and loss of daylight.

On first receiving C's complaint, we considered that the council's complaint response had not fully addressed the issues C had raised, and we therefore asked the council to write to C again at stage two of their complaint handling procedure. As C remained unhappy with the council's response on the matters of overshadowing, and on their conservatory and kitchen/diner not being considered as habitable rooms when determining any loss of amenity, they returned their complaint to us for further review.

We took independent advice from a planning adviser. We found that the council had managed the planning application in keeping with the relevant guidance and we did not uphold this aspect of C's complaint. However, we provided feedback to the council on the way in which the impact on amenity had been recorded in the Report of Handling, and in relation to retention of records, particularly when known objections had been raised. On the matter of complaint handling, we found that the council had unreasonably failed to respond to C's original complaint on the planning application and we therefore, upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to fully address the complaint of overshadowing in their complaint response, and of not ensuring the investigation was undertaken by someone with no prior involvement in the circumstances being complained about. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

In relation to complaints handling, we recommended:

- The council should comply with their complaint handling procedure and ensure matters complained about are fully responded to.

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.