

SPSO decision report



Case: 201004241, South Lanarkshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

The council considered an 'in principle' application to build a house on land in a former coal mining area and approved it, subject to conditions. Mr C, whose property borders the application site, was concerned that reports about the ground stability of the site were not available on the council's planning portal prior to the decision being made and said that the council's actions have not and will not adequately assess this. A detailed application for the development was considered and approved while we were investigating these complaints. We sought the opinion of our planning adviser and he told us that while mineral stability is a material planning consideration, there is no clear guidance on how it should be considered or whether it requires to be considered in relation to 'in principle' applications. We did not uphold the complaints because there was no evidence that the council were required to make the reports available on the planning portal and we considered that the council's consideration of the ground stability issues had been adequate for an 'in principle' application.