

SPSO decision report

Case: 201102723, Dundee City Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mr C complained that the council failed to notify neighbours about a planning application. Mr C also disagreed with the discretionary decision to approve the application. He had complained to the council after the work started. The council acknowledged, and apologised to him for, the failure to send out the specific neighbour notification letters (NNL) although the application had been advertised in the local press. The letters had been prepared but due to an oversight they were not sent out. The council also considered the objections that Mr C would have made to the application and concluded that, even had his objections been received, they would still have taken the decision to grant planning permission to his neighbour.

Our enquiries to the council confirmed that they had fully acknowledged the error in relation to the NNLs and had taken appropriate remedial action to put a new system in place that would prevent any application progressing until two different officers had confirmed that NNLs had gone out. We felt that this action was sufficiently robust to minimise the possibility of a recurrence. Therefore, although we upheld this aspect of Mr C's complaint, we did not make any recommendations.

The planning decision itself was a discretionary decision which our enquiries confirmed had been taken without maladministration. We did not uphold this aspect of Mr C's complaint.