

## SPSO decision report

**Case:** 201104065, Fife Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mrs C lives in a detached house in a town centre near a large garage. The council took over the garage and nearby offices because of road realignment and related traffic management proposals. The council's development services produced a draft development brief for the site which concentrated on the implementation of temporary landscape treatment after demolition and anticipated the redevelopment of the rest of the site. Mrs C was notified of the draft development brief and commented on it. The council's area committee amended the draft and approved the development brief, which then becomes supplementary planning guidance, and a material planning consideration (ie a genuine planning consideration related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest) in determining any future planning application.

Mrs C complained to the council and then to us that, in the process of approving the development brief, the council had not given proper consideration to daylight and sunlight issues and the impact of redevelopment on the amenity of her home.

Our investigation established that Mrs C had been properly notified about, and had commented on, the draft development brief before its approval. At the time she complained to us, no specific planning application had yet been made. As there was no evidence that Mrs C had at this time sustained any injustice or hardship because of the council's actions, we did not uphold her complaint.