

SPSO decision report

Case: 201105086, West Lothian Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr and Mrs C complained about how the council handled their objections to a planning application that their neighbour submitted, which involved the demolition of an existing conservatory and the building of a single storey extension.

Mr and Mrs C submitted a letter of representation to the council objecting to the planning application because the planned extension included part of the mutually owned gable wall of the house. They were unhappy that the council did not take action against their neighbour after they told the council that they were not notified of the proposed planning application, despite being co-owners of the main walls and roof of the divided house.

Mr and Mrs C were also unhappy that the wording of the development advisory note to their neighbour had been changed following a meeting of the development management committee, and that the council did not take appropriate action to correct the advisory note after it was drawn to the chief executive's attention.

Our investigation found that, whilst it appeared there had been an irregularity with the submission of the land ownership certificate by the applicant, we did not consider that it amounted to significant administrative error. Mr and Mrs C were able to submit their representations in relation to the planning application, which in turn were properly considered by the council. In relation to the advisory note, we established that such notes have no legal bearing and are outwith the scope of the formal legislative planning process. Therefore, we considered that the council had not acted unreasonably in amending the wording.