SPSO decision report

SPSO Scottish Public Services Ombudsman

Case: **201005308, The Highland Council**
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, no recommendations

Summary
Mr and Mrs A's solicitor complained to the council about an application for planning consent to build a house, which was made by the owner of land adjoining their property.

The couple claimed that the council's registration of the planning application was not valid on several grounds, including: the exact locality of the site was not shown; the plan submitted did not show the correct access to their property and the size of the plot was wrong; no information was provided about intended water and drainage arrangements; the applicant had not described access points to the site from the road as required by regulations, and Mr and Mrs A had not been notified of the application as they should have been. Mr and Mrs A were also dissatisfied with the council's handling of their complaint and brought the matter to us.

We did not uphold the complaint about the application as, on the basis of what must be provided in law, the council's guidance and the circumstances known at the time, we found no reason to find its validation unacceptable. We found that the council obtained all necessary information after checking the planning application and completed the process satisfactorily. We also found that responsibility for the accuracy of the ownership certificate, which is a prerequisite for validation, is a matter for the applicant in the first instance and the council is entitled to accept it at face value, and that neighbour notification happens after validation, not before.

We found that two letters from the solicitor were not acknowledged by the council when they should have been. When the council did reply they acknowledged and apologised for failing to respond to the enquiries and then dealt with the main points that had been raised. We, therefore, upheld the complaint about complaints handling, but did not need to make any recommendations.