

SPSO decision report

Case: 201201778, Angus Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Ms C, who is a planning consultant, submitted a complaint on behalf of her client (Mrs A). In 2008, Mrs A had obtained planning consent for an extension to her cottage, but did not take this forward. In May 2010, she placed a large residential caravan with wooden decking beside the cottage. The caravan was connected to Mrs A's electricity, water and sewerage facilities and Mrs A's mother moved into it.

A neighbour objected to this, and a council enforcement officer investigated. They invited Mrs A to apply for retrospective planning consent for the caravan. When she did so, however, the committee who considered her application refused permission, and the council served an enforcement notice for the caravan to be removed. Mrs A appealed this to the Directorate for Planning and Environmental Appeals (DPEA). The appeal was unsuccessful but after Mrs A succeeded in challenging this at the Court of Session, DPEA again considered the matter. However, they again dismissed the appeals, giving Mrs A six months to comply with the enforcement notice.

Ms C made four complaints to us. She said the council had been unreasonable in refusing her offer to meet with them and engage in pre-application discussions, or to address her concerns about the relevance of a certificate of lawfulness of a proposed use or development. Ms C was also unhappy that the council delayed in handling her complaints. We upheld only one of her complaints, however, about complaints handling. This was because we found that the council in general acted appropriately in the action they took, and were entitled to make the decisions they had made.

Recommendations

We recommended that the council:

- apologise and provide an explanation for the delay in dealing with Ms C's third stage complaint.