

SPSO decision report

Case: 201205285, South Lanarkshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council failed to take steps to stop his neighbour from building a shed and decking area which did not have planning permission. When the neighbour then applied retrospectively for permission, Mr C complained that the council accepted poor quality drawings and plans relating to the proposal, that the officer who granted consent failed to carry out a site visit and failed to check the dimensions of the building after it was built. Mr C was also concerned that the building exceeded the permissible dimensions.

Having considered the background information, we found that when Mr C reported to the council that his neighbour was building in his garden, the council promptly carried out a site visit and, having reviewed the construction of a large garden shed, advised the neighbour that planning permission would be required. We noted that by requiring the neighbour to make a retrospective planning application, the council were giving them the opportunity to have the merits of the development considered by the planning department. We found this entirely appropriate. To seek to have the development removed, when it was possible that planning permission would be obtainable, would not have been a reasonable course of action for the council to have taken in this case.

We did not uphold Mr C's complaints. Whilst the drawings which were submitted for the garden shed were not of a quality which would be produced by an architect, we found that they were sufficient for the type of development proposed, and complied with the relevant regulations. The council also provided evidence that they had visited the site and measured the shed. They were satisfied from this visit that the building was constructed in accordance with the approved plans. Although the officer who granted planning consent had not visited the site, a report of the development was produced by a fellow officer who had. Finally, we found no evidence to suggest that the shed exceeded any size restrictions.