

SPSO decision report

Case: 201300177, North Ayrshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mrs C raised a number of issues about the council's handling of a planning application for the development of a bar and restaurant near her home. She complained that the development did not adhere to the original plans and that this adversely impacted upon her privacy, the environment around her home and caused parking problems. She also complained that the council then approved a fresh planning application that permitted the development as constructed.

During our investigation we took independent advice from one of our planning advisers. Our investigation found that the council accepted that the development did not reflect the original planning application and conditions. However, that was not in itself evidence of fault on the part of the council. We were satisfied that the council, in line with government guidance and their own enforcement charter, took reasonable action to require the developer to submit a fresh amended planning application, which we were satisfied dealt with the breaches in planning control which the council had identified. There was no evidence of fault in the council's handling of these matters.