

SPSO decision report

Case: 201300851, South Lanarkshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mrs C raised a number of complaints about the council's handling of a neighbouring planning application. She was unhappy with the positioning of the driveway, the material used for the boundary wall and the fact that the council had not taken enforcement action over certain matters.

Our role was to consider the council's administrative handling of the matter. We could not question their discretionary decision-making unless something had gone wrong in their decision making process (such as a failure to act in line with a relevant policy or procedure). As part of our investigation we took independent advice from one of our planning advisers, who confirmed that the council had acted within their discretionary powers with the driveway and the boundary wall, and that the evidence did not point to the council needing to take enforcement action over the issues Mrs C raised. We did not uphold these complaints.

Mrs C had also complained that the council took too long to have a neighbour's security camera removed (she was concerned that it affected her privacy). The council felt they had acted in line with their enforcement charter and had taken the appropriate steps. Although the camera had since been removed, our adviser felt the council could have done more sooner. We recognised the importance of Mrs C's privacy and noted that the enforcement charter, while explaining that the council would normally try to negotiate a solution, said that they would treat matters affecting privacy as priorities. Although we accepted that the council's standard practice was to negotiate and that a solution appeared to have been found, we considered that the time taken – which appeared to have been several months – was unreasonable in the circumstances. We upheld this complaint.

Recommendations

We recommended that the council:

- apologise for the length of time it took for one particular camera to be removed;
- remind staff of the importance of privacy concerns – in line with their enforcement charter - when considering possible planning breaches;
- confirm that they will now take steps to determine the CCTV application and the timeframe for this; and
- take steps to investigate whether the neighbouring property has been brought into use in line with the relevant planning condition and following this, confirm with Mrs C and us their position on the issue of the screening.