

SPSO decision report

Case: 201302423, Scottish Borders Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained about the development process after a development close to his home was given planning permission. He said that the permission granted was subject to twelve conditions as the site concerned was both prominent and beautiful. Mr C said that the developer ignored a number of the conditions and that although Mr C complained, the council had failed to take enforcement action and had been 'soft' on the developer and his agents.

The complaint was investigated and all the relevant documentation and the complaints correspondence was taken into account. Independent planning advice was also obtained and taken into consideration. Our investigation found that the development was complicated because of the nature of the site, but that the council had closely monitored it. While enforcement action was considered because of problems with adherence to the conditions, the council opted to progress this by negotiating with the developer, as they had the right to decide to do. Our adviser confirmed that this was a reasonable approach for them to take. We also found that the council had looked at all Mr C's complaints and, where necessary, had raised his concerns with the developer.