

SPSO decision report

Case: 201304791, The City of Edinburgh Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mr and Mrs C objected to their next-door neighbour's planning application for an extension. The council granted the application, and Mr and Mrs C complained to us that the application process had been handled unfairly. They raised a number of concerns, including that some information on the application was inaccurate and/or provided after the deadline for comments; that the council had not responded to their correspondence asking questions about the planning application process; that the application had been decided by an officer using delegated powers, when it should have been decided by a committee; and that the officer had failed to take relevant planning considerations and guidelines into account in deciding the application.

After taking independent advice from one of our planning advisers, we upheld one of Mr and Mrs C's complaints - that the council failed to respond to their correspondence asking questions about the planning process. We found that, although the council upheld the complaint about this, they had not apologised or made any recommendations to improve their practices, and we were critical of this failure to learn from what had happened.

We did not uphold the other complaints, as there was no evidence that the council had failed to comply with relevant procedures in allowing additional information to be provided after the deadline for comments, or in deciding the application using delegated powers. While there were minor inaccuracies in the plans the council used, we found that it was reasonable for them to rely on these as the inaccuracies were not so significant that they would affect the decision. The officer had also undertaken a site visit and taken photos to ensure they had accurate information about the site and its surroundings. We also found evidence that the council had taken all of the relevant planning considerations and guidelines into account.

Recommendations

We recommended that the council:

- issue a written apology to Mr and Mrs C for failing to reply to their correspondence;
- review the guidance to case officers to ensure that members of the public receive a response to any questions of fact about planning applications; and
- remind complaints handling staff of the importance of addressing any failings identified in complaints investigations, including by apologising where appropriate.