

## SPSO decision report

**Case:** 201305097, West Lothian Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** some upheld, recommendations

### Summary

Mrs C complained that, after she objected to her neighbour's planning application, the council allowed significant amendments and changes to it without telling her or allowing her to comment again. They approved the changed application, and Mrs C said that this seriously compromised her privacy. She also complained about the information the council provided in responding to her concerns and about the way they handled her complaint.

We obtained independent advice on this case from one of our planning advisers. Our investigation found that, because of Mrs C's original objections to the planning application, the council required the applicant to make changes to ensure that Mrs C's property was not overlooked. These changes were not, however, significant in terms of planning legislation and were to ensure that the development complied with the council's guidelines. The law did not require the council to advise Mrs C about the variations, there was no requirement for her to be re-notified about them and we found no evidence of any shortcoming in the way in which the planning application was handled. However, we found that a report of handling was not included in the planning register, which is a statutory requirement, and so we upheld the complaint. There was no evidence to suggest that any of the information from council officers was faulty, although their complaints handling was poor, as she was not correctly signposted to the next stage and their final letter to her was not sufficiently specific.

### Recommendations

We recommended that the council:

- provide us with evidence that the software problems that caused the situation with registration of the report of handling have now been remedied to their satisfaction;
- make a formal apology for the failures identified; and
- ensure that the officers concerned are aware of the necessity of complying with the council's stated complaints process.