

SPSO decision report

Case: 201305358, Angus Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: upheld, recommendations

Summary

Mr C had lived close to a semi-industrial property for a number of years without problems, but more recently the owners of the property had sought to diversify and to develop the site and their business. Work started on the site but without the necessary planning permission. Mr C and his neighbours complained to the council about this and about the noise coming from the site, and the council told the developer that he needed to obtain planning permission.

The developer took five months to make a retrospective application and meanwhile noise complaints continued. Although the council had a target to consider the application within two months, it took them nine months to do so. The application was then refused by a committee of councillors. Throughout this time Mr C had been complaining of noise and disturbance in his home.

We took independent advice from one of our planning advisers. Our investigation showed that while council officers were encouraged to support small businesses, they also had obligations to the wider public. In this case, there was no doubt that works had been undertaken without the necessary planning permission and that noise was affecting those who lived nearby. While the council advised the developer of this, they allowed him too long before he submitted his retrospective application. Although it was clear that during this time they were negotiating with the developer to mitigate the noise, matters took too long to resolve. We upheld Mr C's complaint.

Recommendations

We recommended that the council:

- make a formal apology to Mr C for their failures in this matter;
- ensure that officers involved in this case are made aware of our decision;
- make a further formal apology for the failures identified; and
- ensure that appropriate officers are informed of the circumstances and outcome of this complaint.