

## SPSO decision report

**Case:** 201404211, North Lanarkshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** some upheld, recommendations

### Summary

Mr C lived close to an industrial site. He complained to the council about a number of issues with the site, including noise and air pollution, and unauthorised and dangerous buildings that had been constructed on the site. Although the council investigated Mr C's complaints, he did not feel they took strong enough action against the owners and allowed the problems to continue far longer than necessary.

We sought independent advice from one of our planning advisers. He advised that the council had acted in line with relevant planning enforcement guidance and legislation. The council had followed a recognised approach of working with the owners to find a solution that would resolve the issues, rather than simply punishing them with formal enforcement action. Although the owners did not initially stick to the terms agreed with the council, we were not critical of the council's handling of the situation.

Mr C raised further concerns about the consultation process for a new planning application at the site. Again, we were not critical of the council's handling of this. However, we were critical of their handling of Mr C's formal complaint. We found that their response failed to address points that he had raised and failed to adequately explain the council's actions.

### Recommendations

We recommended that the council:

- consider ways to better communicate details of their planning enforcement charter and how it is applied in individual cases to interested parties;
- apologise to Mr C for their poor handling of his complaint; and
- remind their staff of the importance of providing detailed explanations in response to complaints raised by members of the public.