

SPSO decision report

Case: 201405125, Renfrewshire Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: upheld, recommendations

Summary

Mr C applied for planning permission in 2007, which was granted with conditions. Mr C began works on the site a couple of years later. In July 2013 the council contacted Mr C and informed him that he had not satisfied all of the conditions of the planning permission prior to work starting, and they had not been formally discharged. They invited him to submit the information regarding the conditions for them to be discharged.

Mr C said he had been given verbal approval by the planning officer at the time, but did not recall getting anything in writing. Mr C submitted further information in August 2013. In November that year, the council wrote to Mr C to inform him that as the conditions had not been discharged within the five year period in which the permission had been granted, the application had lapsed and he would have to submit a new application and pay the associated fee for doing so. Mr C complained about this and came to us.

We took independent advice from one of our planning advisers, who was of the view that the council, by its own standards for discharging conditions, had not followed the proper procedure. Our adviser also noted that the council had not specified in all the conditions that they needed to be satisfied in writing. We accepted our adviser's view and in light of the evidence we found we upheld Mr C's complaint and made recommendations to address the issues identified. We also recommended the council apologise to Mr C.

However, our adviser also noted the responsibility of the applicant to ensure they have all the proper permissions before starting works on site. In considering this, we recommended that the council reduce the new application fee by half, to reflect the shared responsibilities of both parties.

Mr C had also complained about the way the council handled his complaint. We were satisfied the appropriate person had investigated it, but it had taken six weeks for a response to be issued to Mr C. For this reason, we upheld this complaint and made a recommendation to remind staff about the timescales on complaints.

Recommendations

We recommended that the council:

- apologise to Mr C for the failings identified;
- find a mechanism to reduce the cost of the application fee by 50 percent, in recognition of the failings identified;
- remind relevant staff of the procedures regarding the discharging of conditions;
- consider being more specific in requiring written approval, in wording conditions; and
- remind relevant staff of the importance of monitoring timescales on complaints.