

SPSO decision report

Case: 201508338, North Lanarkshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained to us on behalf of his constituent (Mrs A) about planning applications at a site neighbouring her property. In particular, Mrs A was concerned that the council had failed to take enforcement action when planning conditions were not met in relation to engineering works and that the council had failed to issue a stop notice requiring activity on the planning site to stop when work began before planning permission had been granted. Mrs A also complained that the council had failed to take reasonable account of her concerns about the development.

We took independent planning advice and found no evidence that when the alleged breach of planning control was brought to the council's attention, they failed to investigate the matter in line with the Scottish Government's planning enforcement charter or the council's planning enforcement charter.

We also found no evidence of fault by the council when arriving at the decision not to issue a stop notice. We were satisfied that the council, in considering the application for the erection of houses on the neighbouring site, properly took into account the relevant guidance and planning policies. We found no evidence of procedural omissions by the council in the handling of the planning application. We therefore did not uphold Mr C's complaint.