

SPSO decision report

Case: 201508631, Fife Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: upheld, recommendations

Summary

Mr C complained to us about the council's handling of a planning application for a development near his home.

We took independent planning advice on Mr C's complaints. We found that the council had failed to respond to an enquiry from him about the height of the building. We also found that the council had failed to carry out an appropriate assessment of the impact of the development on his property and that the planning report contained inaccurate information about overlooking of his property, which misled the planning committee. We upheld these aspects of Mr C's complaint.

Mr C also complained to us about the action the council had taken to mitigate the impact of the development on his property. The council had asked the developer to plant trees along the boundary of the properties to provide additional privacy and screening. We found that the steps taken by the council in relation to the matter had not been satisfactory. Whilst the council had accepted that the problem had arisen because of their failings, they had tried to resolve the matter through negotiation with the developer. We found that it was the council's responsibility to try to resolve the matter. We considered that they should be prepared to fund the cost of this and use any measures available to them as the planning authority, in the event that negotiation fell short of what was required. We upheld this complaint.

Finally, Mr C complained to us that the council had failed to respond to his correspondence about the matter appropriately. We found that the council should have registered his correspondence as a complaint at an earlier stage and had failed to keep him updated. They also failed to respond to him within the timescales they had given and did not respond reasonably to some of the issues he had raised. We upheld this complaint.

Recommendations

We recommended that the council:

- provide this office with evidence that there are now processes and procedures in place, such as a guidance note on writing planning reports, to prevent the failings identified from recurring;
- take steps to ensure that there is effective screening between the two properties. This should include meeting the costs of the screening if necessary. In the event that the council is unable to secure this with the co-operation of other parties, they should consider the full use of the statutory interventions available;
- provide this office with evidence that steps have been taken to try to ensure that correspondence and complaints about planning issues are responded to appropriately and in line with the relevant guidance; and
- apologise to Mr C for the failings identified.