

SPSO decision report

Case: 201602123, Aberdeenshire Council
Sector: local government
Subject: policy/administration
Outcome: upheld, recommendations

Summary

Mr and Mr C said the council had not taken the risk of flooding into account in dealing with a retrospective planning application. The application had been submitted by a neighbour for change of land use on the site of a business.

Mrs and Mrs C said the site had been steadily developed over a number of years without consent. They said that changes had been made to the land which increased the risk of flooding.

We found the council had reasonably explained their decision. Their view was that there was no change in development terms that they considered would affect or increase the risk of flooding.

We took into account that Mr and Mrs C could have raised objections to the application but did not do so. However, whilst planning officers reached their view based on a number of valid considerations, including advice previously given in respect of flooding, their report of handling (a document which explored the merits of the development in accordance with various planning policies) did not contain the kind of detail we would have expected.

We found the council had not responded reasonably to Mr and Mrs C's complaint about buildings erected without consent. Although the council had carried out a site visit, they omitted to tell Mr and Mrs C what they found, and that they considered the buildings permitted the development. We upheld Mr and Mrs C's complaint.

Recommendations

We recommended that the council:

- apologise for failing to fully address Mr and Mrs C's complaint.