

SPSO decision report

Case: 201606473, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by opponents)
Decision: not upheld, no recommendations

Summary

Planning permission was sought for development of an area bordering Mr C's property. Mr C felt that the council's report of handling for this application should have made reference to a section 75 agreement (a contract that is entered into between a landowner and a planning authority) that had been reached in relation to another application that had previously been submitted for a separate, nearby area. Mr C felt that the section 75 agreement relating to the other application should have been mentioned in the report of handling for the new application for planning permission as the two applications were similar. Mr C also felt that the council's report of handling did not accurately detail the requirements of the council's policy regarding the collection of domestic waste. Mr C also raised concerns that the council's responses to his enquiries and complaints had not been reasonable. Mr C felt that the council's responses were not provided within a reasonable timescale, relied upon events that had not occurred at the time of the consideration of the application and had contained an error that was retracted when he had queried it.

We took independent advice from a planning adviser and found that it was reasonable that there was no reference to the section 75 agreement in the report of handling as this agreement was not transferable to the new application for planning permission. We found that the council was not obligated to provide the exhaustive detail of the waste policy that Mr C felt should have been included in their report. We also found that the council's responses had been given within the published timescales, had not relied upon future events and had been reasonable in accepting that an error, which did not affect the council's conclusions, had been made. We did not uphold Mr C's complaints.