

SPSO decision report

Case: 201700731, Loch Lomond and The Trossachs National Park Authority
Sector: local government
Subject: policy / administration
Decision: not upheld, no recommendations

Summary

Mrs C owns a property which is adjacent to a park owned by a community trust. A number of years ago the park authority granted permission for an extension to the park. Mrs C complained to the park authority about the development, as she believed the park authority should have required the community trust to apply for planning permission for the new play equipment as she felt the new play equipment was situated too close to her boundary and obscured the view from her property. In their response to her complaint the park authority said that, as the permission was for the extension of an existing playpark, planning permission was not required.

Mrs C complained to us that the park authority unreasonably failed to require a planning application for the new playpark facilities. We took independent advice from a planning adviser who noted that the planning consent from when the park authority had originally granted permission for the extension had lapsed. Therefore, we considered whether the park authority acted reasonably in deciding not to require the community trust to apply for permission again. We found evidence that the park authority had made a considered and proportionate decision regarding whether to take enforcement action. We did not uphold the complaint.