

SPSO decision report

Case: 201702796, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by opponents)
Decision: not upheld, no recommendations

Summary

Mr C complained about the council's handling of a planning process. Mr C said that the owner of the site in question is now using the site for a purpose that was not part of their original planning application. Mr C said that a change of use planning application should have been made, and that the permission granted does not cover the activities currently being carried out at the site. In addition to this, Mr C felt that a transport assessment should have been carried out, due to the size of the site.

We reviewed the relevant information and took independent advice from a planning adviser. We concluded that there was no requirement that the council explicitly state that a change of use had been applied for. We also concluded that the council had considered the original application as a change of use application, and that the subsequent approval permits the activities currently being carried out at the site. In respect of the transport assessment, we were satisfied that the guidance states that the size criteria is indicative, and not an automatic trigger for an assessment to be carried out. Although we found that the council's report of handling could have been more detailed on this matter, we considered the council's subsequent explanations for why they did not carry out a transport assessment to be acceptable. We did not uphold Mr C's complaints.