

SPSO decision report



Case: 202303228, Dumfries and Galloway Council
Sector: Local Government
Subject: Policy / administration
Decision: some upheld, recommendations

Summary

C complained to the council about a number of aspects of the council's handling of a planning application for development on a site opposite C's home, including that the Report of Handling was not reasonable as it did not reference any assessment of how waste would be managed and stored on the site. The council told C that the specific materials that they had mentioned, manure and old bedding, their storage and management, had not been addressed in the Report as they were not part of the application.

We took independent advice from a planning adviser. We found that the contents of the planning application meant that the council were entitled to take the view that their policy on waste management requirements for new development were not determinative in this instance and that not explicitly mentioning this in the Report did not make it unreasonable. We did not uphold the complaint.

C also complained about various aspects of the council's response to their complaints. In some cases, we found that the council provided responses which were not reasonable, including responses that were not clear and did not include reasonable explanations, responses that raised uncertainty about planning matters, a response that had been incorrect, not responding to clear concerns C had raised and not confirming whether they considered specific planning conditions had been met. We upheld the complaint that the council did not respond reasonably to C's complaints.

Recommendations

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What we asked the organisation to do in this case:

- Apologise to C that they did not respond reasonably to C's complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

In relation to complaints handling, we recommended:

- The council respond reasonably to complaints.