

SPSO decision report



Case: 202403098, South Lanarkshire Council
Sector: Local Government
Subject: Handling of application (complaints by opponents)
Decision: upheld, recommendations

Summary

C complained about the handling of two planning enforcement complaints which they had brought to the council in regards to Air Source Heat Pumps (ASHPs) installed at two neighbouring properties, which were affecting their enjoyment of their property due to the noise generated. C complained that the council had taken too long to determine that planning applications were required and that the council's communication had been inconsistent and slow. C also complained that the time to determine the retrospective planning applications was too long.

The council admitted that their initial handling of the enforcement complaints was inconsistent and slow. They apologised, restructured the team and provided reminders as to when planning was required for ASHPs. As regards the determination of the planning applications, they advised that they were waiting for Noise Impact Assessments (NIAs) from the applicants which were never provided.

The applications were due to be determined by the Planning Committee in June 2024. However, just prior to this C commissioned their own NIA which needed to be robustly considered by Environmental Health Services. The applications were considered in February 2025.

We found that given the ASHPs were potentially impacting C's amenity, due to noise, it took the council too long to investigate the planning enforcement complaints and to decide that planning applications were required. It also took them too long to determine the planning applications. We upheld the complaint on this basis.

Recommendations

What we asked the organisation to do in this case:

- Apologise for the time taken to determine the planning applications in respect of the neighbours ASHPs. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

What we said should change to put things right in future:

- The council should provide clear advice on the situations where express planning consent is required for ASHPs, and what information is required to support such applications.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.