



What to do if you have a complaint about the way your objection to a planning application has been handled

We provide a free, independent and impartial service for dealing with complaints about public services in Scotland. You may feel that an organisation has provided a poor service, delivered a service badly or failed to provide a service. If this has caused you hardship or injustice, we may be able to look into your complaint. We can normally only deal with complaints if you have already gone through the complaints procedure of the organisation that provided the service.

This leaflet tells you what you can do if you have a complaint about how your objection to a planning application has been handled. It also explains what we can and cannot do.

We strongly recommend that you read our leaflet along with the Scottish Government's 'Guide to the Planning System in Scotland'. The guide explains the particular words and terms used in planning, and provides helpful background information. There's information about where to get this on page four.

Information about planning

A planning authority is the organisation that can approve or turn down a planning application. In most cases, this is the local council. National Park authorities also have planning powers.

Planning laws in Scotland changed in 2009. This means that some practices have changed, for example:

- Planning officers, rather than a committee of the planning authority, now deal with a larger proportion of applications
- A new local review body of the authority deals with appeals against decisions made by planning officers on 'local development' applications (such as alterations to an individual house)
- The size and range of minor developments that do not need specific planning permission from the planning authority has increased. This is known as 'permitted development', and includes home extensions, private garages etc.

- The planning authority are now responsible for telling neighbours that a planning application has been made.

What can I do if I'm unhappy with a planning decision?

An objector to a planning application has no right to appeal against a decision that's been made. Your opportunity to influence the decision lies in the objections and representations that you make to the planning authority before the decision is taken.

What can I do if I have a problem with the service I've received?

If you are unhappy with the service you've received, rather than with the decision that was made, you should first report the problem to the planning authority. They will consider your concerns and they should try to deal with them.



SPSO freephone **0800 377 7330**

We could also look at a complaint that the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA) didn't act properly, or didn't deliver a service properly. This would be relevant where a planning decision was appealed to them and where, if they failed to act properly, this caused you hardship or injustice. But it's important for you to remember that we can't question a decision the DPEA made unless we have evidence that something has gone wrong in the way they took it; and that we can't change their decision.

You should also note that we:

- have no power to change the decision of a planning authority or appeal organisation (only action in the Court of Session can legally reject a decision and force the planning authority to reconsider)
- cannot question a planning authority's decision if there is no evidence that something has gone wrong in the process
- cannot deal with the behaviour of individual councillors in planning matters, as this is usually a matter for the Public Standards Commissioner (their contact details are on page four)
- cannot look at complaints if you have taken, or are taking, legal action about them
- consider that issues of 'privacy and private amenity' are generally not material planning considerations. Authorities may, however, have guidelines that they consider with other factors for the benefit of the 'residential amenity of the wider area'.

And we can't have a member of staff sacked or disciplined.

We understand that this can be complicated so please call us if you want to ask whether your complaint is one that we're likely to be able to look at. A complaints reviewer is always available to talk to you when the office is open. Our opening hours and contact details are at the end of this leaflet.

How we put things right

If we find that something's gone wrong, then as well as putting things right for you we want to try and stop the same thing happening to someone else. That's why some of our decisions and reports also have recommendations. These may include recommending that the planning authority apologise or change their procedures. We may ask them to return the situation to what it would have been if they'd acted correctly in the first place. We will look carefully to see what happened and how you have been affected. Our complaints reviewer will check that the authority carry out our recommendations.

We also make some of our investigations public. We do this to share what we have learnt from complaints and to help improve how public services are delivered in Scotland.

How to complain to SPSO

- Write to us and tell us what happened. It's best to use our complaint form if possible. You can find this on our website at **www.spsso.org.uk** where you can fill it in online or print it off to complete. Or phone our freephone helpline number **0800 377 7330** and we will send you one.
- Tell us what went wrong, and what you would like to happen to get things put right.
- Send us copies of the main paperwork about your complaint. Please make sure you include the final response you received from the organisation after you complained. It also helps if you send us your original letter of complaint to them.

We can give you this leaflet in other languages and formats (such as large print or Braille) if you ask.

Contacting us

If you're not sure whether we can look at your complaint, please contact us. You can also call us if you're not sure whether you have gone through the complaints procedure of the organisation you are unhappy with. If appropriate, we'll guide you through that.

We're happy to talk to you. One of our complaints reviewers is always available to discuss your complaint with you.

You can contact us by phone, in writing or by visiting our office. Visits are by appointment only and can be arranged by calling the number below.

OSPSPSO
Bridgeside House 99
McDonald Road
Edinburgh
EH7 4NS

A reepest envelope can be supplied if this is required

penin hours	Monday, Wednesday, Thursday, Friday 9am – 5pm, Tuesday 10am – 5pm
reephone	0800 377 7330
ebsite	www.spsso.org.uk

Calls to and from SPSO phone lines may be recorded to check the quality of our service and help us do our job to help you. More details are in the privacy notice: www.spsso.org.uk/privacy-notice. Please ask if you want to confirm if a call is or is not being recorded or if you would like us to pause recording during a call.

