

The Ombudsman's final decision

Summary: The Ombudsman will not investigate this complaint that the Council has permitted two planning applications to be wrongly linked to the complainant's home. This is because there is insufficient evidence of fault by the Council.

The complaint

1. The complainant, whom I refer to as Mr X, complains that there are two planning applications on the Council's website which wrongly link his home to the applications.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start an investigation if we believe it is unlikely we would find fault. (*Local Government Act 1974, section 24A(6), as amended*)

How I considered this complaint

3. I read the complaint and the Council's response. I read documents linked to the planning applications including the planning officer's report and a drawing showing the location of the proposed development. I invited Mr X to comment on a draft of this decision.

What I found

What happened

4. Mr X lives in a rural area. His home is surrounded by fields.
5. Somebody unconnected to Mr X submitted two planning applications in relation to a development in a field next to Mr X's home. The documents on the website refer to the development site as being land adjacent to Mr X's home. The site map shows the development site marked in red and the red area is completely separate from Mr X's home which is also marked on the map. The planning officer's report states the application site refers to a piece of agricultural land. The report mentions Mr X's home as being located to the east of the development site.

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6. Mr X complained to the Council. He said the planning applications wrongly linked the proposed development to his home. He said this could cause problems if he tried to sell his home. Mr X said that anyone looking at the Council's website would think his home was linked to the planning applications.
 7. In response the Council explained that the site had been referred to as "land adjacent to Mr X's home" because it is a field with no address or postcode. It said it had to describe it in this way so people could work out where the location of the proposed development was. It confirmed that the planning application was not linked to Mr X's home and the wording on the documents clearly referred to land adjacent to Mr X's home. It said it could not change the wording on the planning register and any potential buyer would know, from the word 'adjacent', that the applications were not linked to Mr X's home.
 8. Mr X is dissatisfied with the Council's response. He wants the Council to change the wording of the documents or make it clear on its website that the planning applications are not linked to his home.

Assessment

9. I will not start an investigation because there is insufficient evidence of fault by the Council. I have considered the documents on the Council's website and the reports and the drawings all make it clear that the application relates to land adjacent to Mr X's home but is separate to his home. If Mr X's property was part of the development site it would be included within the red area on the drawing/map – but it is not. In addition, the planning officer's reports refers to Mr X's home as being a residential property to the east of the site. There is nothing to suggest that the wording links Mr X's home to the planning applications or to the development. In addition, the Council has explained that the site has been referred to in this way so that people can find the location.

Final decision

10. I will not start an investigation because there is insufficient evidence of fault by the Council.

Investigator's decision on behalf of the Ombudsman