

**Complaint reference:**  
17 000 660

**Complaint against:**  
East Devon District Council

## **The Ombudsman's final decision**

Summary: The Ombudsman will not investigate Mr Y's complaints about the Council granting planning permission for a house on agricultural land. This has not caused Mr Y any personal injustice and I have not seen any evidence that this is a significant public interest matter.

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## **The complaint**

1. The complainant, who I shall refer to as Mr Y, complains the Council has granted planning permission for a new home on agricultural land. He says the Council did not consider to the restrictions on such homes in either the National Planning Policy Framework (NPPF) or its own policies.
2. Mr Y says the new property does not affect his home as he lives some distance away. He considers the matter is of public interest as it sets a precedent for housing on agricultural land.

## **The Ombudsman's role and powers**

3. 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 or continue with an investigation if we believe the fault has not caused injustice to the person who complained. (*Local Government Act 1974, section 24A(6), as amended*)

## **How I considered this complaint**

4. I have considered the information Mr Y provided and discussed his complaint with him. He had the opportunity to comment on the draft version of this decision.

## **What I found**

5. There is a history of planning applications at a farm in the village near to where Mr Y lives. The most recent application is for a four bedroom agricultural workers home.
6. Mr Y made several detailed objections in which he said the application did not meet the special circumstances and criteria required for such a development on agricultural land. In particular he said:

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- There were no employees
  - The applicants had not proven the need for a new home on the site
  - The applicants did not intend to develop the business
  - The size of the proposed house was not equal to the size of the business
7. The Council considered the objections in the case officer's report. This states the Council has granted temporary planning permission for a mobile home on the site for agricultural workers. The new house will replace the temporary mobile home.
  8. The council considered Mr Y's objectors but decided to grant planning permission.

### **Assessment**

9. We will not normally investigate a complaint unless there is good reason to believe the complainant has suffered significant personal injustice as a direct result of the actions or inactions of the service provider.
10. Mr Y lives some distance away from the development site. He acknowledges that he does not have personal injustice arising from the matters he complains about. He asks that we investigate alleged breaches of planning law by the Council as a public interest matter.
11. Although Mr Y objected to the application there were no other objections and the local parish council wrote to the Council supporting it. My view is this is not a significant public interest matter and that we should not investigate. I appreciate that Mr Y is concerned the planning permission has granted a precedent for development on agricultural land. However planning applications must be considered on an individual case by case basis.

### **Final decision**

12. I will not investigate this complaint as Mr Y has not provided evidence of personal injustice or that the matters complained about are of significant public interest.

### **Investigator's decision on behalf of the Ombudsman**