

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

Summary: Mr X complains about the way the Council considered a planning application. The Ombudsman will not investigate this complaint because there is insufficient injustice to warrant investigation as the planning application was withdrawn.

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## **The complaint**

1. Mr X complains about the way the Council considered a planning application.

## **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 or continue with an investigation if we believe:
  - it is unlikely we would find fault, or
  - the fault has not caused injustice to the person who complained, or
  - the injustice is not significant enough to justify our involvement.

*(Local Government Act 1974, section 24A(6), as amended)*

## **How I considered this complaint**

3. I have considered the complainant's comments and the Council's comments and Mr X has commented on the draft decision.

## **What I found**

4. Mr X's neighbour submitted a planning application in January 2018 for a new dwelling and alterations to the existing building. The planning application was withdrawn in June 2018 (Mr X says that the applicant had been told the planning application would be refused).
5. Mr X says that he made many objections to the planning application and attended meetings to discuss it.
6. Mr X has exercised his democratic right to object to a planning application. That in itself is not an injustice caused by fault by the Council.

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7. The planning applicant withdrew the planning application so no planning permission is in place and we do not know what would have happened had it been considered. There is no evidence that the Council acted with fault causing Mr X a significant injustice as the planning application was not determined.

### **Final decision**

8. The Ombudsman will not investigate this complaint. This is because there is no evidence of significant injustice caused to Mr X by the Council's actions.

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