

The Ombudsman's final decision

Summary: We will not investigate this complaint about planning permission because there is a right of appeal to a Planning Inspector and the Council has remedied any alleged fault.

The complaint

1. Mr X complains that the Council unreasonably refused his planning application for an extension. He says that the Council failed to deal with his complaint properly and failed to remove comments from the Council's website.

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 provide a free service but must use public money carefully. We may decide not to start or continue with an investigation if we are satisfied with the actions an organisation has taken or proposes to take. (Local Government Act 1974, section 24A(7), as amended)
3. The law says we cannot normally investigate a complaint when someone could take the matter to court. However, we may decide to investigate if we consider it would be unreasonable to expect the person to go to court. (Local Government Act 1974, section 26(6)(c), as amended)
4. The law says we cannot normally investigate a complaint when someone can appeal to a government minister. However, we may decide to investigate if we consider it would be unreasonable to expect the person to appeal. (Local Government Act 1974, section 26(6)(b), as amended)
5. The Planning Inspector acts on behalf of the responsible Government minister. The Planning Inspector considers appeals about:
 - Delay – usually over eight weeks – by an authority in deciding an application for planning permission
 - A decision to refuse planning permission
 - Conditions placed on planning permission
 - A planning enforcement notice.

How I considered this complaint

6. I considered information provided by the complainant and the Council.

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7. I considered the Ombudsman's Assessment Code.

My assessment

8. Mr X's planning application for an extension was refused by the Council in 2024. The Ombudsman would not investigate a complaint about this matter because of his right of appeal to a Planning Inspector (above).
9. Mr X says that the Council's complaints procedure was not properly complied with. We will not investigate his matter as it is not a good use of public resources to investigate complaints about complaint procedures, if we are unable to deal with the substantive issue.
10. Mr X says that a comment on the Council's planning website implied the property was uninhabited. The Council says that comments are only normally removed where they may be defamatory. Nevertheless, the Council removed this comment as a gesture of goodwill. Given the Council's action I see no reason to investigate this part of the complaint.
11. I note the Council's website does not contain any comments by members of the public. Whether or not these comments were in any way defamatory, I am satisfied that the Council could do no more to resolve this complaint.
12. Mr X has a right to take legal action against any person or body for defamation. The Ombudsman would not investigate a matter which could be the subject of court action.

Final decision

13. We will not investigate Mr X's complaint because he could appeal to a Planning Inspector and the Council's actions have remedied the complaint.

Investigator's decision on behalf of the Ombudsman