

LOCAL GOVERNMENT OMBUDSMAN REPORT

COMPLAINT NO: 06/B/14891 – PUDDLESTON, LEOMINSTER

Report By: Head of Legal and Democratic Services**Wards Affected**

County-wide

Purpose

To consider the Local Government Ombudsman report and in particular the recommendations.

Background

Mr Martin (not his real name) complained that the application DCNC 2005/3689/0 for a smithy and stables and that the Planning Committee of the 20th January 2006 in approving the application

- a) were misled by the presentation of inaccurate information relating to a nearby site and by the omission of extensive photographs supplied by Mr Martin regarding the effect of the proposals on his amenity; and
- b) did so without providing sufficient reasons for rejecting the officer's recommendation for refusal

The Ombudsman found the Council was at fault in failing to give adequate reasons for granting the application against officer advice and against significant local and national planning policies. The Ombudsman accepts that members of the Planning Committee are entitled to depart from officers advice but only where they have good reason to do so, based on clear and legitimate planning grounds. In this case the Ombudsman found that the council failed to provide such justification for the decision. The Ombudsman has therefore found maladministration causing injustice.

Ombudsman Recommendation

The Ombudsman recommends the Council:

- (i) commissions independent valuations of the property affected both before and after the development;
- (ii) pays to the complainant the difference between the valuations, if any;
- (iii) pays to the complainant a further £250.00 in recognition of the time and trouble spent pursuing the complaint; and
- (iv) produces a good practice guide for Members of the Planning Committee on dealing with all aspects of the decision-making process, arranging appropriate training for all Members once it is introduced

The Committee in respect of recommendation (i) and (ii) above should be aware that the property affected has recently been purchased and the complainant no longer lives there. Officers have made enquiries to ascertain the purchase price as it is a matter of public record but it has not yet been registered with the appropriate agency. The Committee are advised that this may not reflect the market value and the Council needs to ascertain this. The Committee cannot at this stage ascertain value and further enquiries need to be made and the Ombudsman be advised.

The Committee is advised to accept recommendations (iii) and (iv). Council Officers have sought advice on the basis of considering challenging the Ombudsman's findings and recommendations. The advice received clearly states there is no basis to challenge the decision.

Appendices

Appendix 1 – Ombudsman report dated 10th October 2007.

Background Papers

None identified