

**Complaint reference:**  
15 014 659

**Complaint against:**  
Wyre Forest District Council

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

Summary: The Ombudsman will not investigate this complaint that the Council's Committee report on a planning application was inaccurate. The complainant felt the Committee were misled into approving a development which has an adverse impact on her property. But there is no sign of fault by the Council to warrant the Ombudsman's intervention regarding this matter.

---

## **The complaint**

1. The complainant, who I shall call Mrs A, complained about the Council's decision to grant planning permission for a development next to a house she owns. She complained in particular that the planning officer's report to the Planning Committee contained wrong information about the height of the proposed building. Mrs A said this meant she and Committee members were misled about the impact of the new building, which she feels is unacceptably overbearing.

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

2. The Ombudsman investigates complaints about maladministration and service failure. I have used the word 'fault' to refer to these in this statement. The Ombudsman provides a free service, but must use public money carefully. She may decide not to start an investigation if, for example, she believes it is unlikely she would find fault. (*Local Government Act 1974, section 24A(6)*)
3. The Ombudsman cannot question whether a council's decision is right or wrong just because the complainant disagrees with it. She must consider if there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3)*)

## **How I considered this complaint**

4. I considered the information Mrs A provided with her complaint, and her comments in response to a draft version of this decision. I also took account of information the Council supplied about its own responses to Mrs A's complaint. In addition, I considered records on the Council's website about the planning application in question.

---

## What I found

5. In 2014 the Council's Planning Committee approved a planning application for a development close to a property Mrs A owns. After building work started in 2015, Mrs A found the height of the development bordering her property was greater than she had expected from the planning officer's Committee report. As a result she complained to the Council.
6. PA said the building heights given in the officer's report were wrong, and his representation of the impact of the development was misleading. But in response the Council said its measurements and description of the proposal were accurate, and Committee members were not misled. In addition, the Council said its officers had given a detailed presentation about the proposal to members at the meeting. So it considered the Committee were well aware about the dimensions and impact of the proposed buildings when making their decision.
7. The Council also met with Mrs A on site to discuss her concerns and to check the building in place complied with the approved plans. Following this visit, the Council said it was satisfied the position and dimensions of the building were in line with the approved drawings. But Mrs A remained unhappy with the Council's response, so she complained to the Ombudsman.

## Analysis

8. The Ombudsman has no authority to make planning judgements or change planning decisions. She may only consider if there was fault causing injustice in the way councils process and decide planning applications. But from the information provided in Mrs A's case, I do not see sign of fault in the way the Council considered the planning application to justify the Ombudsman starting an investigation.
9. I note the planning report gives a general description of the varying roof line of the building, and quotes average heights at certain levels, including at the closest point to Mrs A's property. However I am not convinced this was a substantively inaccurate or misleading representation.
10. But even if the report might have been more specific as to roof heights, I do not consider the Ombudsman has grounds to suggest including more detailed information would necessarily have affected the outcome. In particular I do not see she could say the Committee would have reached a different view about the impact of the building, or about the overall acceptability of the planning application.
11. The online planning records include detailed plans and drawings showing the scale of the proposed new buildings and their relationship to neighbouring properties, including the one Mrs A owns. The Council also said it gave a detailed presentation to members at the Committee meeting. In the circumstances, I do not see the Ombudsman has grounds to suggest members were misled, or insufficiently informed about the proposals, when making their decision. It also appears that information on the Council's website was sufficiently clear to allow members of the public to understand the nature of the planned development.

- 
12. Further, I consider the planning report took suitable account of material planning considerations, including relevant government guidance, local plan policies, objectors' views, and responses from appropriate consultees. In addition, the report specifically considered the impact on Mrs A's property. This consideration was also reflected in the conditions the Council attached to the planning approval. In particular, it included a requirement for obscure glazing in any windows in the elevation facing Mrs A's property.
  13. In the circumstances, I do not see any sign of fault in the Council's decision-making on the planning application in question, to justify the Ombudsman starting an investigation in Mrs A's case. In addition, I consider the Council has taken suitable steps to verify the development is being built according to the approved plans. So I also consider there are no grounds to suggest the Council has not properly investigated if there has been a breach of planning control.

### **Final decision**

14. The Ombudsman will not investigate Mrs A's complaint that an inaccurate planning report misled the Council's Planning Committee into approving a development which has an unacceptable adverse impact on her property. This is because there is no sign of fault in the way the Council dealt with planning matters to warrant the Ombudsman's involvement.

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