

28 January 2019

Complaint about planning application partially upheld

A man's complaint about how his planning application was dealt with has been partially upheld by the Public Services Ombudsman.

The man alleged that both the former Department of the Environment, and Newry, Mourne and Down District Council, did not process his application properly.

He alleged that the planning officer dealing with the application refused to take account of the information given to her by his planning consultant. As a result he believed her recommendation to refuse the application was flawed. He also tried to get reimbursement for the cost of engaging the planning consultant.

Although the plans were eventually approved by the Council's Planning Committee, the man claimed that he had still suffered an injustice.

The investigation examined all relevant documents, and obtained independent professional advice in relation to aspects of the case.

In considering complaints of this nature it was noted that planning officers are required to undertake balanced judgments which often do not meet with the expectations of applicants. It was the planning officer's decision in this case that the application was not acceptable in planning terms and should be recommended for refusal.

The Ombudsman concluded that the planning officer considered the appropriate policies and took the planning consultant's views into account before making her decision. She did not uphold this element of the complaint.

She also noted that as the continued involvement of a planning consultant was the man's own decision, it would not be appropriate to recommend that his fees be reimbursed.

She did, however, find that the man should have been told earlier about one of the reasons why his application was to be refused. She also found that the council did not provide him with an adequate response after he made a complaint.

Further, she found that the Planning Committee did not record the reasons why they decided to grant permission for the application. Although this did not lead to an injustice to the man, the Ombudsman commented that this was a failure to meet the principles of good administration, and a breach of the Committee's own protocol.

In light of the frustration, uncertainty and the time and trouble in bringing the complaint, the Ombudsman recommended that the Council issue the complainant with an apology and a financial remedy for the failings which were identified in the report.